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THE ROYAL COMMISSION ON VIOLENCE IN THE COMMUNICATIONS INDUSTRY

RESEARCH REPORT

THE CONTROL OF MASS ENTERTAINMENT MEDIA
IN CANADA, U.S., AND GREAT BRITAIN:
HISTORICAL SURVEYS

by

Garth S. Jowett, Ph.D.
Penny Reath, B.A.
Monica Schouten, B.A.

1976



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The views expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission on Violence in the Communications Industry, whose conclusions will be presented in its Final Report.

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THE CENTER FOR CANADIAN COMMUNICATION STUDIES
University of Windsor
December, 1976

THE ROYAL COMMISSION ON VIOLENCE
IN THE COMMUNICATIONS INDUSTRY

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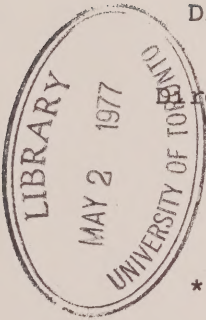
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THE CONTROL OF MASS ENTERTAINMENT MEDIA

IN CANADA, U.S., AND GREAT BRITAIN:

HISTORICAL SURVEYS

Preface

This study was undertaken in order to provide some historical background to the work of the Ontario Royal Commission on Violence in the Communications Industry. The study is intended to be a quick historical overview of the problems encountered in the past when societies have attempted, for a variety of reasons, to control the nature and content of mass entertainment. It should be noted at the outset that our examination of this historical problem was not limited merely to the subject of "violence." In fact, "violence" as a specifically articulated problem was very rare before the twentieth century. While one can find the occasional reference to the problem of violence, usually this was associated with a plethora of other dangers supposedly inherent in the mass entertainment media. Only in the twentieth century, with the introduction of more far-reaching "mass media," do we find society's attention focused on the problem of "violence" as a staple ingredient of mass media content. Thus this study is of necessity wide-ranging, both in its historical dimension, and in the examination of the various responses to mass entertainment media.

Also this study is not intended to be solely an examination of "censorship," although the legal prohibition and control of the media falls within its scope. Throughout

history societies have found ways and means of "controlling" the nature and influence of entertainment without necessarily having to resort to legal forms of censorship. Thus at various times the introduction of countervailing influences or entertainments, or the imposition of specific taxes, or even the creation of boards of "self-regulation" by the entrepreneurs of mass entertainment, have all been successful as aspects of social control.

The key questions we have addressed are those associated with the supposed power of the various media to "influence" those individuals who are exposed to them. Thus we have tried to deal with the initial responses and reactions to the introduction of new media (entertainment) forms, and the ways in which society, or sometimes that group who self-proclaim themselves "the guardians of the culture," have attempted to control this influence. The study describes the rhetoric of many of these claims, but again this was not intended to be an in-depth evaluation of the scientific validity of what people have claimed for the media in the name of social control.

It should also be noted that we have tried in this study to be as objective as possible in our evaluation of the history of social control of the media. Unfortunately, this is an issue that is highly volatile, and occasionally our biases may show through. Nevertheless, this study is not intended in any way to make a primary case for or against certain types of media control. As a historical study it is intended to act as a guide to what has been tried, with varying degrees of success or failure, in the past.

The four media we have selected for examination—literature, radio, motion pictures and comic books—have all been subjected to similar treatment as various societies have sought ways and means to control their influence, and to find a proper social and cultural niche wherein they might be accommodated. We have deliberately not examined television in this study for several reasons. First, the structure of the television industry grew out of that already established by radio, and television very quickly adopted certain codes of self-regulation which it borrowed from the other media, in particular radio. Thus, there was not the same initial struggle to establish legal mechanisms to control content. Second, the questions that have now emerged regarding television's role and influence in modern society would have been simply too large for anything but the most cursory coverage in this report. Third, although television has been widely available for nearly thirty years, we are no nearer arriving at a consensus about the proper methods of its control than we were when it was first introduced. In essence, we are dealing with a "massive" medium, which is still viewed in the privacy of the individual home, and therefore subject to individual values and norms, but nonetheless, the product of highly complex centralized organizations. This paradoxical problem of a "national" medium which is consumed "locally" has been a perpetual difficulty throughout the history of mass entertainment. Television has now carried the problem far beyond any hope of a totally satisfactory resolution.

Where possible we have used Canadian examples, but, like so many other aspects of communication studies in Canada,

there is not a large, useful legacy of material dealing with these issues in specific Canadian terms. Nevertheless, it can be safely assumed that much of the rhetoric cited in this study was universal, and was uttered as much in Canada as in other countries.

While all three authors participated in the final form of the study, Professor Garth Jowett was the principal researcher, and was responsible for the section on motion pictures; Penny Reath was responsible for the chapters on literature and comic books; and Monica Schouten was responsible for the section on radio. We would like to thank Mr. C. K. Marchant, the Director of Research of the Ontario Royal Commission on Violence in the Communications Industry for his patience and understanding, and Mr. Don Sims and Mr. George Belcher of the Ontario Theatres Branch for their cooperation.

CHAPTER I
THE CONTROL OF POPULAR LITERATURE

Popular Literature: The Contradiction of Censorship

It was not until the latter half of the nineteenth century that legal attempts were made to control violence in the content of popular literature. Victorian middle class critics had expressed concern that violent content of the "Penny Dreadful" press was a primary cause of juvenile delinquency and corruption several decades earlier. Violence has always been a staple of popular literature since the earliest days of printing, and was deeply infused in the legends and folk tales of the oral tradition which had preceded. It is an historical fact that audiences for popular culture seem to possess an insatiable demand for real or fictitious news of disasters, murders, criminal activities, battle front accounts, scandalous gossip and monstrous births. The ready market for such violent material was bound to be exploited for financial gain, particularly when other forms of content, such as politics, were legally censored. By examining the relationship between censorship, politics and popular culture, we can see the emergence of distinctive patterns of social control.

Sixteenth century "corantos"¹ were forced to rely on sensational and often violent news, and stories with no political ramifications, since authorities censored controversial political news from abroad and most domestic news.

Thus, Jemmy Catnach's trade in broadside ballads and chapbooks dealing with murderers' activities and the last-dying words of notorious criminals flourished at a time (1813-1838) when sedition and blasphemy were extremely dangerous. Again, penny newspapers, dubbed the "Penny Dreadfuls," which dominated the nineteenth century after 1830, thrived by concentrating on violent and sensational criminal tales while "obscene," "pornographic" or "indecent" literature was vigorously censored. Although concern is currently increasing over the possible deleterious effects violent content of popular culture forms may have on its audience, historically the primary target of literary censorship has been that which is considered "obscene." Seldom has "violence" as a specific issue been of concern. This is clearly a predominant issue of the twentieth century.

This pattern has been recognized by several critics of censorship practices who have, in turn, offered similar interpretations. Writing in 1949, the American scholar Gershon Legman concluded:

Both love and violence are part of one category termed 'thrills' . . . where sex is censored, the substitute is sadism, the literary lynch and increased violence . . . The popularity of violence is due to the fact that it is the only outlet for fears and inadequacies that is socially acceptable and still open to us. Our literature, as a result, is empty of sex but reeking with sadism . . . Violence and death have saved us from sex.²

Legman's analysis deals with the current status of censorship legislation. Morris Ernst and William Seagle also recognized a pattern of censorship that has emerged from the beginning of time:

The yearning for a fuller life has always been thwarted by the censor. We may speculate that eating and hunger

in the early days of the race were the front trenches of suppression. As man attained the right to all foods, the taboo shifted to religion. To prevent fresh views on spiritual matters libraries were destroyed and thousands of Brunos burned at the stake. Furthermore the regimentation of people could not continue if free thought on matters of state was permitted. To whisper about the King became sedition. The censor's ax swung with violence. Food, religion, the state -- then sex. What next?³

Writing in 1929, Ernst and Seagle may not have been able to decipher a trend that is becoming evident in 1976. Now, of course, we can answer their question—"violence"!

Not only does an evolutionary pattern emerge in the type of content that is censored at a particular moment in history, but the means by which censorship becomes legally instituted evolved in a similar fashion at different times.

Censorship is not democratic. This historical fact became apparent as literacy increased and mass circulation of popular literature became possible. It has always been the case that at least a small group of people were privileged to read literature which may have been forbidden to the rest of its contemporaries. In the sixteenth and seventeenth centuries, if one's education included Latin, the most obscene passages of English translations of Latin classics were decipherable. In England, Privy Councillors and those given permission by the bishops were allowed to import and peruse seditious literature that, in the possession of the common man, was a capital offence. Even in 1967, the Daily Telegraph reported that the British Home Office set up a library of books, all of which had been successfully prosecuted for obscenity, for exclusive study by Members of Parliament.⁴

Low prices and general availability are also an integral part of censorship. Cheap reprints are held to be more

dangerous than deluxe editions. When cheap prices were combined with general literacy, making mass circulation of questionable literature possible, self-appointed "Guardians of Public Morals" began to express a paternalistic concern for children, the poor, or minorities who lacked the sophistication of the rich and mature, and were therefore more susceptible to corruption.⁵

Very seldom was censorship ever requested by the audiences for popular culture. Rather, as a particular form of popular culture became widespread, concerned critics formed volunteer organizations to counteract its "evil" influences by one or more methods; by initiating prosecution procedures, pressing for censorship legislation, focussing public opinion, or by producing an alternative form of attraction.

Organizations of this nature have roots as far back as 1692 in the Society for the Reformation of Manners in England, and successively emerge with greater frequency and impact on both sides of the Atlantic. When such groups successfully mobilized popular opinion, legal forms of censorship were likely to follow. This trend is apparent in the evolution of obscenity censorship in both Britain and North America.

As we trace the evolution of attempts to control the content of popular culture, the contradiction which Gershon Legman notes becomes apparent:

The result is a schizophrenic law: . . . sex, which is legal in fact, is a crime on paper; while murder -- a crime in fact -- is, on paper, the best seller of all time.⁶

Transition From An Oral Tradition:
The Growth of Popular Literature

Before the introduction of the printing press to England in 1476, the book trade was principally concerned with satisfying the needs of scholars. Production and distribution of books was centred in the monasteries and extended after 1190 to include the universities. Even at this early date all books were subject to censorship by the Chancellor in order to filter out the possibility of heretical statements.

Writers of a more popular and secular literature were usually commissioned by wealthy patrons to write such books. Most of these authors had only local reputations, wrote for a limited audience, and were restricted in their endeavours by the individual specifications laid down by the patron who in return provided financial support. The majority of the population, financially unable to commission books, relied on an oral tradition of folk tales and ballads that were passed on between generations by word-of-mouth. Wandering minstrels, poets and troubadors were the popular sources of news, political and social rumours, songs, stories and romances.

Tales from all over the world, primarily myths of supernatural beings and the exploits of exceptionally heroic men, accurately preserved by means of mnemonic rhythm and symbolic movement, were infused into a rich oral folk culture. The essence of these familiar plots have been described as follows:

. . . conflicting adults, fatal children, strain between parents and offspring, tensions between fathers and sons or mothers and daughters, the wicked step-mother and

neglected daughter, the cruel father and younger son. Love, hate, and guilt bring in their train murder and panic, with the dead returning to plague or devour the living. And always there are the friendly talking animals and birds, who warn men against love, against gold and silver, against certain [poisonous] plants.⁷

Ballads were extremely popular and sung all over Europe and Asia.

They tell of the girl who followed her 'fause luve,' of 'fause Sir John,' of the talking 'wee birdie,' of the dangers of 'the red goud' and the 'seller'; they tell of the ghastly crimes to the 'childe' who is drowned or smothered or stabbed and who always seems to be blessed or threatened with 'gouden locks.' Beware the red goud danger. The ballads had refrains not unlike those to be heard in the traditional games of children.⁸

There were no legal and few formal attempts to censor ballad singing and story-telling. Children were not forbidden to hear unsuitable stories and, since there were few stories specifically designed for them, children were exposed primarily to tales meant for adults. A natural form of censorship emerged. Raconteurs were restricted informally by an audience that insisted upon reasonable credibility in all stories. Story-telling was regarded as an art in which the "extremes of horror and beauty were preserved from wanton cruelty and sickly sweetness."⁹

Yet, occasionally, even before print, the telling of tales was considered dangerous by legal authorities. As early as the sixth century the monarchy and the Church attempted, though unsuccessfully, to suppress Welsh Bards. Their tale-telling incited the common people to such a high pitch, that the authorities considered them capable of inciting rebellion.¹⁰ It was this, and other similar events, which caused itinerant minstrels and poets to become increasingly known as rogues, vagabonds and vagrants, and categorized among the unruly

elements of society.

Not until the eleventh century did monasteries begin to make written copies of some of the most popular of the secular tales. From the eleventh to the thirteenth century poets created epics out of the numerous and varied tales clustering around a single legendary character such as Charlemagne or Alexander, and myths centering on beings like Siegfried, Arthur and Rustem. Firdusi (932-1020) was the earliest of such poets, spending twenty years to consolidate all the Persian tales of Rustem into a single epic poem (completed in 1010) describing a hero who lived several centuries, fought demons and dragons for days on end and was finally slain only by treachery after unwittingly killing his own son. This legend is now known through Matthew Arnold's poem "Sohrab and Rustem."¹¹

During the first century of printing, books continued to remain in the hands of the Church, noblemen, scholars, wealthy merchants and gentlemen with private libraries. Records of collections in large private libraries indicate that they were almost entirely of a serious nature. However, a significant proportion of the annual literary output during the sixteenth century consisted of ballads, romances, and tales of highway robbery and gambling which combined with music and drama to form the entertainment of the lower class majority. With the transition from an oral to a print culture, popular tales and ballads originating in an oral folk culture remained the most popular forms of entertainment and news.

The First Two Centuries of Printing 1476-1695

William Caxton established the first printing press in England in 1476, and by 1485 Henry VII had asserted his authority over the press by appointing a "stationer to the king" and establishing a system of patents and monopolies to be granted printers by the crown.

The period from 1485 to 1695 represents a distinct period of literary censorship in England in which authority over, and control of, the press was considered a royal prerogative. Control of the press rapidly increased until its climax under Elizabeth Tudor and then gradually began to wane. It was a period characterized by pre-censorship, and all manuscripts were submitted to censors before publication, primarily to suppress heretical and seditious literature.

Concern over publications of a questionable morality appeared in the latter seventeenth century and prosecutions for obscene and lascivious books and pamphlets increased. Penalties for the publication of "immoral" literature were small monetary fines, insignificant compared to a combination of flogging, mutilation, heavy fines and imprisonment, or even execution, inflicted upon those guilty of sedition or heresy.

Despite severe penalties and determined efforts of the authorities, control of the press was often ineffectual and the illegal press continued to flourish alongside the licensed press.

The Early Chapbook and Broadside Trade

When Caxton set up his press in England in 1476 he did little to form the taste of the age. He did not confront the well established foreign competition in the classics, but devoted himself to satisfying the surest home market in romance literature based on the legends of an oral culture that were already popular. His most famous popular works include Canterbury Tales, Morte d'Arthur, Aesop's Fables, Reynard the Fox and The Golden Legend. These were assured success by rich patrons who displayed greater interest in vernacular literature as the English language improved and gained greater acceptance.

Caxton's successor, Wynken de Worde, followed the tradition of neglecting the legal, political and learned book trade that had been granted patents by the crown. He confined his attention to a lighter, more ephemeral kind of cheap booklet or pamphlet to satisfy the growing demands of the general public. Rather than relying upon rich patrons for financial support, de Worde was confident in his ability to assess the popular demands of his audience, and in his case, revenues from a wide circulation of his product replaced the need for wealthy patronage.

Extremely popular at this time were "broadsides" and "chapbooks." Broadsides were single sheets of paper printed on one side only and broadsheets were large uncut sheets of paper printed on both sides or a pamphlet formed from this sheet. Chapbooks consisted of a single sheet folded into a small booklet of eight to thirty-two pages. Most of these publications contained woodcut illustrations and sold at

either a halfpenny or a penny.

Broadside proclamations were official notices of new laws, intrigues, battles and peace treaties. They were fixed to posts and doors or their news was cried out on the streets. The typical content of broadsides and broadsheets often consisted of ballads. Some ballads summarized the whole story in a single subtitle of a sensational nature. The range of subjects included religious, political, criminal, romantic, superstitious, moralistic, tragic, bawdy and amatory material. There was execution news, often in prose; and the "ghost-written" confessions of criminals sold in the streets at the time and place of execution. Many were simply reprinted traditional folk ballads, but others were more topical. During the Stuart period, such broadside ballads formed a spearhead of protest movements in the conflict between "Roundheads and Cavaliers" and had had a similar function during the Tudor conflicts between Protestants and Catholics. Those dealing with such controversial political and religious material were invariably unsigned to avoid the severe penalties for sedition and blasphemy.

Chapbooks began as printed folklore with woodcut illustrations. They had a wider scope than ballads, including old romances, fairy tales, ancient battles, warnings to sinners urging repentance and shorter versions of shilling romances such as Canterbury Tales and the Seven Champions of Christendom.

The following are typical broadside and chapbook titles from the sixteenth to the nineteenth centuries:

THE TRUE DESCRIPTION OF A MONSTROUS CHYLDE BORNE IN THE
ILE OF WIGHT [1564]

MURDER UPON MURDER COMMITTED BY THOMAS SHERWOOD, ALIAS,
COUNTRY TOM: AND ELIZABETH EVANS, ALIAS, CANBRYE BESSE
[1635]

THE STRANGE AND WONDERFUL STORM OF HAIL, WHICH FELL IN
LONDON ON THE 18th of MAY 1680

THE REPENTING MAIDS SORROWFUL LAMENTATION FOR THE LOSS
OF HER TRUE LOVE THAT SHOT HIMSELF IN SOHO [1698]

A NEW SONG ON THE BIRTH OF THE PRINCE OF WALES, WHO WAS
BORN ON TUESDAY, NOVEMBER 9th, 1841

LAMENTATION AND CONFESSION OF J. R. JEFFREY, WHO NOW
LIES UNDER SENTENCE OF DEATH FOR THE WILFUL MURDER OF HIS
LITTLE BOY [1866].¹²

There was a brisk trade in such reading matter for the masses, and more and more "hole-in-the-wall" printers sprung up in country towns to supply hawkers with wares which they sold throughout the countryside and at country fairs.

In the new age of print broadsides, broadsheets and chapbooks became the new carriers of tradition, while the streets and roads became the libraries and bookshops of the masses. Ballad sheets were posted on the walls of inns and cottages, or were sold from stalls in church-yards or marketplaces, hawked by pedlars and cried by "patterers." This material continued and enlarged upon the fading oral tradition.

Legal Censorship to 1640

Henry VIII rapidly increased royal control over the press. In 1538 a Decree of the Star Chamber forbade the publication of any book in English:

onles upon examination made by some of his grace's privie counsayle, or other suche as his highness shall appoynte, they shall lycense so to do.¹³

Censorship was put into the hands of the Privy Council who looked for hidden sedition in even the most innocent publications.

Under Mary, the Stationers Company was incorporated in 1557, and everyone engaged in the book trade was compelled to belong to this company of Stationers. The book trade was made its own censor by investing the company with the power and obligation to censor all books before publication, and by empowering the Master and Wardens of the Company to search out and destroy unlicensed publications and presses.

Elizabeth sought to make the licensing system more efficient. The power of the Stationers Company to regulate the trade of books was confirmed, but at the same time a definitive list of those empowered to license books was established. All publications, including ballads and broadsides were to be registered in the Stationers' Register by date, name of publication and author's name. Pro-Catholic and Puritan literature were considered the biggest threat and a series of proclamations were issued to suppress such literature. The Star Chamber limited all printing to Oxford, Cambridge and London in 1586 where it could be easily supervised and only by special permission were new presses to be set up. These severe restrictions remained in force until the court was abolished in 1641.

Tudor policy of strict control over the press was thought to maintain the safety of the state. Sovereigns acted on the principle that the peace of the realm demanded the suppression of all dissenting opinion and that only the Crown, by exercising its prerogative was capable of controlling the press. There was little opposition from parliament,

publishers, printers or public opinion to this repressive legislation.

The dangers of popular literature were recognized as early as 1543 when an Act "for the Advancement of True Religion and for the Abolishment of the Contrary" was specifically directed at the broadside trade. It claimed that

forward and malicious minds intending to subvert the true exposition of scripture, have taken upon them, by printing ballads, rhymes, etc. subtilly and craftilly to instruct his highness people, and specially the youth of this realm untruly.¹⁴

The comprehensive system of press regulation that had evolved by the end of the Tudor period was primarily concerned with stamping out sedition and blasphemy. It was to this end that the Stuarts inherited, extended and modified the regulatory machinery. Charles I extended the number of authorized licensers to deal with the growing book trade and extended censorship to all imported books.

During the seventeenth century absolute control over the publication of news was vested in the crown. It was the King's prerogative to "Prohibit the printing of all newsbooks [called corantos] and pamphlets of news whatsoever not licensed by his majesty's authority as tending to breach the peace and disturbance of the Kingdom."¹⁵

Despite these restrictions, many corantos were published in the Netherlands and imported to England, or the King's prerogative was ignored and "lavish and licentious talking in matters of state" continued to be published at home. Thomas Archer was imprisoned for the publication of a newsbook in England and his press was confiscated in 1621. Later that year, Nicholas Bourne and Nathaniel Butter were permitted to

print the first "coranto" published "by authority" on the condition that the contents of each issue were first examined by the Privy Council. Butter and Bourne enjoyed a monopoly on news publication until 1632. They were restricted to foreign news and prohibited to print controversial discussions of war and politics. Unlicensed newsbooks continued to appear, however.¹⁶ In 1632 the Butter and Bourne monopoly was cancelled and was not restored until 1638, with censorship still a requirement.

Quite clearly the fear of the wide dissemination of damaging public opinion was the prime motivation behind the establishment of the royal right to control news. For the most part, however, licensing was inefficient and when newspapers were successfully suppressed, other vehicles such as news ballads filled the gap.

The Earliest Newspapers: Newsbooks and Corantos

Under the Tudors, no domestic news was allowed to be printed in corantos, and even descriptions of news abroad was risky. The Stuarts intermittently allowed foreign news but domestic news could not be printed on a regular basis until 1741. Nevertheless, news was an important public demand, and restrictions on newspapers led to the provision of news in the form of fiction. News dealing with murders, fires, monstrous births and other sensational topics was usually safe from prosecution, and accounts of these events were vividly described in ballad form. Entries in the Stationer's Register show that this type of news outnumbered all others. Whenever an incident promising to make good copy occurred, the subject

was promptly registered as the subject of a news ballad.

As an example, the John Fitz murders of 1605 were the topic of numerous ballads and newsbooks. The typical titles of three versions of this tale were:

A NARRATION OF THE BLOODY MURTHERS COMMITTED BY THE
HANDS OF SIR JOHN FYGHTE A KNIGHT OF DEVONSHIRE.

A BALLET UPON THE LAMENTABLE MURTHERS OF SIR JOHN FITZ
EXECUTED UPON HIMSELF AND OTHERS.

SIR JOHN FITZ HIS GHOST, OR THE DOLEFUL DREAMS OF LUSTY
JACK HIS CHIEF ASSOCIATE AND COMPANION IN MISCHIEF.¹⁷

Domestic tragedies of ordinary people sometimes appeared like the story of a soldier "cutting off his wives head, by reason one called him Cuckold."¹⁸ The most sensational news always appeared on the front page of a newsbook. Widespread demand for such news was guaranteed, for any newspaper or broadside which could offer thrills or anything that would serve as gossip.

News Ballads dealt with topics such as:

Trewe and Dreadfull new tydings of bloode and Brymstone
which God hath caused to Rayne from heaven within and
without the Cytie of Strayle Sonet, with a wonderful
apparition seene by a citizen of the same Cytie named
Hans Germer which mett him in the field as he was
travalinge on the waie.

and

The Norfolk gent his will and testament and howe he
comytted the keepinge of his children to his owne
brother who delte most wickedly with them and how God
plagued him for it.¹⁹

The last ballad later became known simply as "The Babes in the Wood" and was an all-time favourite, even as late as the early nineteenth century.

As another example of ingenuity, in 1627 Thomas Wakely published an extra sheet which opened up to a double-page

spread to be inserted into the newsbook or sold separately to the illiterate. It was a realistic full size illustration of a knife with a caption that read: "the true portraiture of the poisoned knife both in length and breadth" with which a "Jesuited villain" had tried to assassinate the Duke of Buckingham. Wakely spun a circumstantial story around how it had fallen into his hands.²⁰ The story became widely popular and Wakely was able to sell a large number of broad-sheets.

Ballads selling at one penny also achieved a wide circulation. Three thousand were registered between 1557 and 1709 but at least three times this many were turned out by the unlicensed press.²¹ Between 1620 and 1642 at least two hundred copies of one thousand different single sheets and small quarto volumes of news were published and distributed. In fact, these figures gave a very conservative estimate of news circulation.²²

News sheets were irregularly published and often documented only one event. General topics were foreign battles, treaties, royal domestic life, war preparations, proclamations, the death of kings, the oppression of Protestants, a general's burning and pillaging, sea fights, invasions, shipwrecks and criminal executions.

Since the English government had banned all domestic and controversial news except for trivial items, most news sheets and ballads were forced to deal in sensation and violence to satisfy the innate public demand for news. This type of sensational news was criticized for being nonsensical by more thoughtful men. William Lombarde, as an example,

thought that news books and broadsides were making the whole art of printing an absurdity, and suggested that a body of twelve men to be called the Governors of England should be set up and given licensing powers to check the flow of sensational news. The government preferred sensation to sedition and ignored his suggestion.²³

Newsbooks continued to feature "fabricated" and "doctored" news. The ballad form was most popular with the illiterate, as the printer's customers wanted to be entertained as well as informed. Illustrations were also necessary to maintain and increase sizable circulations. However, wood-blocks, used for illustration were expensive and were often used repeatedly for similar news items. Often the "woeful lamentation" of a condemned man was published at the earliest moment possible. John Wolfe's newsbook illustration of a multiple hanging came from a single block which could be cut into parts to depict the correct number of criminals executed whenever this type of news came up. Extra copies of the illustration were printed and sold to the semi-literate market solely for the grisly picture of unsparing detail.²⁴

Many of the news publications during the interregnum (1649-1660) contained vicious attacks by Cavaliers and Puritans against each other rather than "real" news. Cromwell's suppression of newsbooks gave rise to the "Grub Sheet Pamphleteers" who, one commentator noted, "thank their lucky stars, and congratulate their own good fortune, if any sad accident fall out, or Fire happen in the City: and if a Witch or Murder be condemned to die, rather than he shall want a winding sheet, they'll be so charitable as to lend them

half of theirs."²⁵

News during the interregnum period, delighting in the grotesque and sensational, furnished readers with a wide variety of grisly fare. Ballads dealt typically with such content as a woman killed by the devil, a girl and a brewer scalded to death, the Protestant Massacre and, of course, love songs. The Licensor's moral standards were not high and many publications were granted licenses simply because they avoided politics.

Legal Censorship Between the Civil War and 1695

Between 1641 and 1643 literary censorship was removed and the press flourished. In 1643 the British parliament imposed an ordinance upon printers and booksellers. All publications were prohibited and an elaborate system of search and seizure was implemented even to the extent of military occupation of the City of London in 1648. It was this order which provoked John Milton to write and publish Areopagitica, or Appeal for the Liberty of Unlicensed Printing in 1644. He expressed the intellectual tragedy of official censorship, "as good almost kill a man as kill a good book: who kills a man kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God."²⁶ Petitions for press liberty were ignored, by the end of the Commonwealth period the press was brought to heel. The death of Cromwell in 1658 meant the end of censorship and all manner of publications were issued openly.

Charles II returned to power in 1662 and a new Act

provided that books would be licensed if they contained nothing "contrary to good life and good manners."²⁷ All books were to be licensed and the number of master printers and apprentices was reduced; the Stationers Company's right to search and seizure was abolished and given to the office of Surveyor of the Press. Roger L'Estrange was first appointed to this position in 1663 and given a monopoly on news publication. This Licensing Act ran until 1695.

In 1695 the House of Commons rejected the renewal of the Licensing Act. This was not entirely a libertarian move but in part a reaction against the corruption of censors. Those responsible for the licensing of the press were accused of extortion, fraud and theft. The Licensing Act was described as ineffectual in silencing the press and tended instead to increase the popularity of scandalous illegal publications. Thus, after 1695, the press was freed from pre-censorship, and censorship continued under common law, and only after the item had been published.

A Question of Morality

Much of the output of the early English press were translations of the classics. The Puritans initially encouraged the translation movement hoping that the rationalistic element in the classics would help to overthrow the feudal and medieval ideals and, at the same time, strengthen the position of Protestantism. The Puritans held that whatever evil was presented in the Classics was different than that present in the bawdy ballads and romances. A knowledge of vice was considered necessary to a complete moral education

and the ultimate responsibility for the use to which reading was put was to remain with the individual.

Traditionalists among the clergy and scholarly opposed the translations. They believed that general access to rationalistic literature would mean the disintegration of all venerable institutions including motherhood, the church, feudal economy and dialectic philosophy. Proponents of the exclusive learning view were dubbed "Zoili." Nevertheless, Puritan patronage of the translation movement continued until the Zoili directed attention to the heathen nature of the classics. Thereafter the Puritans could no longer overlook their inherent immorality. They withdrew their patronage from printers of classical translations and virtually ended the English classic translation trade.²⁸

The Root and Branch Petition signed by 15,000 London citizens and presented to Parliament in 1640 contained the most explicit condemnation of the immorality of popular literature of the period. This petition was an attempt to draw attention to the evils of society caused by the existing government and asked that the government "with all its dependencies, roots and branches" be abolished.²⁹

Among the evils it cited was the
 swarming of lascivious, idle, and unprofitable books and pamphlets, playbooks and ballads; as namely Ovid's Fits of Love; the Parliament of Women which came out at the dissolving of the last parliament; Barne's poems; Parkers Ballads in disgrace of religion, to the increase of all vice, and with drawing of the people from reading studying and learning the Word of God and other good books.³⁰

It further demanded that:

. . . all vaine and ungodly bookes, ballads, love songs, and lascivious bookes, and vaine pamphlets, may be called in and no more such may be ever tolerated hereafter or

dispersed either in print, or in manuscript; which vaine bookes, ballads and pamphlets, have taken deeper impressions upon the hearts of many thousands to draw them to love and delight in those actions of sin into which they have been seduced by reading them.³¹

The crime of obscenity was not fully recognized in English law until 1725; the authorities of the 16th and 17th centuries believed they had more to fear from blasphemy and sedition. Pressure on the authorities to take action against obscene or lascivious books increased and resulted in several prosecutions in the later years of the seventeenth century. The Act of 1662 provided that books should not contain anything "contrary to good life and good manners." This seemed to provide a base for the suppression of obscene literature but it was vague and censorship continued to be haphazard and irregular in this area.

The Puritan literary ethic insisted that reading must be serious and morally edifying and criticized all light literature along with the obscene. While support for the Puritan view grew it nonetheless often coexisted with an attitude that was more tolerant of, and often amused by the same literature which seemed to scandalize the Puritans. It was the Puritan view however, which was gradually incorporated into legal censorship of literature to prevent the corruption of the King's subjects.

Summary

There was no censorship specifically aimed at "violence" in literature during this period, except when such "violent" content was combined with seditious intent. Roger L'Estrange, Surveyor of the Press in 1663, was concerned that the un-

licensed press made extremely healthy profits from forbidden books. He specifically referred to a quarto book entitled Killing No Murder published in Holland in 1657, and imported into England after the failure of a plot on Cromwell's life. This justification of tyrannicide could be illegally sold for five shillings when it was worth no more than fourpence.³²

Increasing concern over the supposed ability of literature to corrupt morals and incite people to violence coincided with increases in literacy. The English school system was well established by the seventeenth century, and there were schools for all classes. Public schools served the wealthy and free schools run by the local clergy existed for the poor, while grammar schools had been established for the rising middle class. There was an ample supply of such schools with low fees and with attendance roles that compare favourably to those of today's country schools. It was from the newly educated middle and working classes that the bulk of adherents to popular fiction would emerge.

ENDNOTES

¹"Corantos" was the name for sixteenth century newspapers of either a single sheet or small quarto pamphlets.

²Gershon Legman, Love and Death (New York: Hacker Art Books, 1963), pp. 9, 12, 24, 94.

³Morris Ernst and William Seagle, To The Pure . . . A Study of Obscenity and the Censor (New York: The Viking Press, 1928), p. 285.

⁴Donald Thomas, A Long Time Burning: The History of Literary Censorship in England (London: Routledge and Kegan Paul, 1969), p. 5.

⁵William Wilberforce, founder of the Proclamation Society in 1787 referred to voluntary societies as "guardians of the public religion and morals."

⁶Legman, p. 19.

⁷P. M. Pickard, I Could a Tale Unfold: of Violence, Horror and Sensationalism in Stories for Children (London: Tavistock, 1959), pp. 158-159.

⁸Ibid., p. 162.

⁹Ibid., p. 158.

¹⁰Ibid., pp. 160-161.

¹¹Ibid., p. 161.

¹²Leslie Shepard, The History of Street Literature (Newton Abbot: David Charles, 1973), pp. 16-17.

¹³Thomas, p. 9.

¹⁴Shepard, pp. 45, 54.

¹⁵Laurence Hanson, "English Newsbooks, 1620-1644," The Library, Fourth Series, Vol. XVIII (1958), p. 355.

¹⁶Frederich Seaton Siebert, Freedom of the Press in England 1476-1776: The Rise and Decline of Government Control (Urbana: The University of Illinois Press, 1965), p. 154.

¹⁷Marjorie Plant, The English Book Trade: An Economic History of the Making and Sales of Books (London: George Allen and Unwin, 1965), p. 48.

¹⁸M. A. Shaaber, "The History of the First English Newspaper," Studies in Philology, Vol. XXIX (1932), pp. 551-587.

¹⁹Plant, p. 238.

²⁰P. M. Handover, Printing in London from 1476 to Modern Times (London: George Allen and Unwin, 1960), p. 113.

²¹Shepard, p. 33.

²²Folke Dahl, "Short Title Catalogue of English Corantos and Newsbooks, 1620-1641," The Library, Fourth Series, Vol. XIX (1939), p. 46.

²³Plant, p. 48.

²⁴Handover, p. 108.

²⁵Hyder E. Rollins (ed.), Cavalier and Puritan (New York: New York University Press, 1923), p. 43.

²⁶Milton wrote his Areopagitica in 1644 which attacked the whole system of licensing and urged Parliament to reverse its decisions embodied in the Act of 1643 which provided for twenty-seven schoolmasters, ministers of religion, doctors and others to act as licensers of the press. Areopagitica, p. 6.

²⁷Thomas, p. 13.

²⁸C. H. Conly, The First English Translations of the Classics (Port Washington, New York: Kennikat Press, 1967).

²⁹Samuel R. Gardiner (ed.), The Constitutional Documents of the Puritan Revolution 1625-1660 (Oxford: Clarendon Press, 1906), p. 137.

³⁰Ibid., p. 139.

³¹Rollins, pp. 18-19.

³²Thomas, p. 31.

³³Plant, pp. 36-39.

CHAPTER II

GUARDING THE PUBLIC MORALITY

Introduction to Popular Literature 1695-1832

The revolutionary turbulence of the period from 1695 to 1832 was reflected in its popular literature. Most government attempts to censor popular literature were based on a fear of internal subversion and violent revolution that would be the end result of the revolutionary political tracts that came to dominate a considerable proportion of the broadside and chapbook trade.

"Teaching the masses to read would lead to anarchy." This view was widely held by government officials and the upper classes. The Evangelicals and Methodists believed, to the contrary, that instructing the masses to read would instill in them the hard-working virtues of a Protestant ethic. To this end, a system of Sunday Schools was established and religious tracts, disguised as broadsides and chapbooks, were widely circulated to provide the masses with proper reading material and to counteract sedition and immorality.

The increasing number of prosecutions for publishing obscene literature between 1695 and 1832 may be attributed to the instigations of voluntary societies which acted as "guardians of the public morality." These societies, along with numerous prominent citizens who shared their views, set the level of public tolerance. Public opinion, thus became the primary means of censoring the "immoral" in literature.

With the rise of the novel and the circulating library, this widely available new literary genre became the butt of most attacks on "immorality" in literature.

Legal Controls Over Printing

After the Licensing Act expired in 1695, the monopoly of the Company of Stationers was broken, and the number of printers increased and trade expanded. The 1709 Copyright Act of Queen Anne gave rights to authors, as opposed to printers, and also aided in expansion of the printing trade. Governments regarded the press as a threat and feared popular involvement in affairs of state. Reinstatement of prior-censorship methods was undesirable, but the authorities believed libel and sedition to be insufficiently handled by the courts.

The Stamp Act of 1712 became the new and indirect means of press control. This Act was designed to discourage political opposition by imposing a stamp duty of one penny per sheet for newspapers and two shillings for each sheet on one copy of each edition of a pamphlet that exceeded half a sheet. This "Tax on Knowledge" would either force publications to raise their prices out of the reach of usual subscribers or, alternatively, to accept a subsidy from the political group in power and maintain its price at a reasonable level. Threat of withdrawal of financial support usually brought newspapers and pamphlets into conformity with the political opinion of the party then in power. The stamp duty was raised five times until it reached four-pence per sheet in 1815. The primary means of press censorship became a combination of financial and political coercion, and remained thus until 1855 when this

oppressive tax was removed.

In addition, Parliament employed "messengers of the press" to search out seditious and libellous publications which threatened to undermine its authority. The most vigorous censorship was exercised against the Jacobites who advocated the succession of James II, the Pretender, after the death of Queen Anne. The height of this censorship followed the Jacobite invasions of 1715 and 1745. Vigorous censorship attempts were also characteristic of the period from 1760 to 1832 when fears of political revolution, inspired by revolutions in France and America, were paramount.

Numerous printers, authors and publishers were tried and convicted in the courts for seditious and blasphemous attacks on the state, and the British ministry frequently resorted to repressive and unconstitutional means of dealing with the press. Offensive printers were imprisoned and brought to financial ruin without a court trial.

As the stamp duties increased, forcing newspaper prices up, newspaper reading rooms and coffee houses sprang up where a single copy of a newspaper or pamphlet passed through twenty or more different hands. The government responded by demanding that all such meeting places must also be licensed; in 1799 an Act was passed "for the more effectual Suppression of Societies established for Seditious and Treasonable Practices." In addition to the imposition of heavy fines on unlicensed libraries and reading rooms, all indoor and outdoor lecturing or debating places had to be similarly licensed. Strict registers were kept of those employed in the printing industry to control means of press production. The name and address of

the printer were to appear on every copy of a publication. Infringement of this law entailed a fine of twenty pounds for every copy of a book issued. In thirty years many of the provisions of the act would be disregarded but at the time of its inception, the law served to quell fears of a French invasion to inspire revolution in Britain.

The early years of the nineteenth century saw authors and publishers fined and imprisoned for denouncing Britain's participation in the Napoleonic wars. After the peace of 1815, the anti-government campaign of the press became more virulent to the point of advocating violent actions against government ministers as a means for reform. The underfed, unenfranchised unemployed were dissatisfied with their leaders in the post-war economic depression. One pamphlet included an illustration entitled, "The Old Black Cock and His Dunghill Advisors in Jeopardy," which showed cabinet ministers, judges and priests hanging from lamp posts under a sign that read, "Justice Triumphant."¹

In 1817 William Hone was tried for publishing profane and seditious parodies. As a result of his acquittal, charges were dropped against other publishers who had also issued parodies and the government did not attempt another series of press prosecutions until 1819. As a result of indignation over the "Peterloo" massacre of reformers, a Member of Parliament published a bitter address. Sir Francis Burdett was charged with seditious libel, tried, convicted, fined and imprisoned in 1820. Many others were similarly fined, flogged or incarcerated for their publication of ideas on socio-political reform. Between 1821 and 1834, the number of pro-

secutions for such offences declined as the government's statutory power over the press was gradually being eroded. Legal reform stipulated that a case was to be tried within twelve months of the charge laid; suspended prosecutions could no longer be used to intimidate dissident publishers. In 1825, cases of criminal libel would no longer be heard by "special" jurors chosen for their penchant for maintaining the political status quo. The Reform Bill of 1832 offered a growing freedom of the press and a new style of monarchy. The stamp duty was reduced to an ineffectual one penny per sheet in 1836 and was finally abolished in 1855. Political radicalism eventually died down, and it became increasingly evident that attempts at general censorship of the press were hopeless.

Censorship throughout the period was based on the belief that inflammatory opinions would incite readers to violence and revolution, and thus undermine established authorities. Government concern and attempted control over violent content was, again, only related to sedition; the basic concern was with the advocacy and illustration of violence toward government officials.

Important minds of the period, such as Jeremy Bentham and Samuel Coleridge, rejected the government's belief in the power of literature. They argued that it was improbable that men would be stirred to violence by what they read, and that literature could not have such a widespread general effect on the population.²

Obscene Literature

The first organization to set itself up as the guardian

of public morals was the Society for the Reformation of Manners founded in 1692. Its declared aim was to crusade for national reformation by enforcing laws against sabbath-breaking profanity, drunkenness and sexual immorality. It was not concerned with obscene literature at first because many of those for whose morals it feared were, in fact, illiterate. Yet, as literacy increased, the Society became concerned that immoral literature might corrupt the morals of the readers and it concentrated principally on initiating prosecutions against obscene literature.

The first major attempt to deal with obscene literature came in 1707. James Read and Angell Carter were unsuccessfully prosecuted for publishing a sequence of poems entitled The Fifteen Plagues of a Maiden-Head. The general attitude of the court toward obscene literature was reflected in the decision of Justice Powell.

This is for printing bawdy stuff, that reflects on no person: and a libel must be against some particular person or persons, or against the government. It is stuff not fit to be mentioned publicly. If there is no remedy in the Spiritual court, it does not follow there must be a remedy here . . . It tends to the corruption of manners but that is not sufficient for us to punish.³

When Edmund Curll was tried and convicted for publishing the second English edition of Venus in the Cloister: or, the Nun in her Smock (1724), the law of obscenity was established. Curll was convicted under a common law precedent which described acts tending to corrupt the morals of the King's subjects and that were against the King's peace as criminal offences.⁴ From the time of Curll's conviction, the Court of the King's Bench was set up as the official guardian of the public morals.

By the time the Society for the Reformation of Manners

ceased its activities in 1738, it had created a climate of moral opinion for national reformation that was supported by numerous authors and publishers. An urge for purity and moral reformation spread through English literature with a growing awareness that the newly literate lower classes, and especially women and children, should be protected from a fate worse than illiteracy; that is, from moral corruption.

Although the government was willing to intensify the campaign against obscene literature, prosecutions were arbitrary, haphazard and ineffectual in stamping out immoral books. In 1787 "A Proclamation for the Encouragement of Piety and Virtue, and for preventing and punishing Vice, Profaness and Immorality" was issued. The proclamation gave precise reference to the need to suppress "all loose and licentious Prints, Books, and Publications dispensing Poison to the Minds of the Young and Unwary, and to punish the Publishers and Vendors thereof."⁵ This proclamation was prompted by William Wilberforce to give legal recognition to the dangers of illiteracy, and he founded The Proclamation Society in the same year to succeed the Society for the Reformation of Manners. The Proclamation Society was primarily concerned with the suppression of profane or obscene literature, and Wilberforce was convinced of the need for a private organization to deal with this type of material.

In our free state it is peculiarly needful to obtain these ends by the agency of some voluntary association; for thus only can those moral principles be guarded, which of old were under the immediate protection of the government. It thus becomes to us, like the ancient censorship, the guardian of the religion and morals of the people. The Attorney-General and Secretary of State, who alone in our country can be thought at all to fill this post, are too much cramped by their political

relations to discharge its duties with effect; yet some such official check on vice is absolutely needed. It is not here as with personal injury, which will always be suppressed by private prosecution; for though the mischief done by blasphemous and indecent publications and other incentives to licentiousness be greater than most private wrongs, yet it is so fractional, and divided amongst so many thousands, that individuals can scarcely be expected to take up the cause of virtue.⁶

The founding of the Society was followed by a wave of prosecutions for publishing "obscene libel." Their efforts were prompted by a concern with the effects obscene literature would have on the working class, and on women and children. The chances of being undone by the "hot-bed" of a circulating library increased as illiteracy no longer offered protection to the innocent mind.

In 1795, the Proclamation Society ceased its activities, but was succeeded only six years later by the Society for the Suppression of Vice and the Encouragement of Religion and Virtue. The new Society carried out a series of private prosecutions to suppress the publication of obscene books and prints. Between 1801 and 1817 it was successful in forty prosecutions and drove the dealers in pornography underground.

The Rise of the Novel and the Circulating Library

The new literary form, the novel, was rooted in the oldest social custom—in the telling of folk tales and the singing of ballads and in the oral tradition of the narrative. Clearly, the preference of the growing reading public was for fiction. James Lackington made a classic observation in 1791 that "all ranks and degrees now read." While Lackington's observation was not really accurate, nevertheless, wide

circulation of reading material was achieved, not through universal literacy, but by the semi-literate gathering around someone who then read aloud.⁷ As the number of capable readers increased, opposition to reading for pleasure grew. Criticism also increased with the establishment of circulating libraries which facilitated a wide circulation of novels. Because novels continued to be three volumes in length and sold for at least six shillings per volume, the majority of potential readers could not afford to purchase them outright. Circulating libraries charged a relatively small annual fee, and allowed their subscribers to borrow as many books as they could read.

Objections to novel reading were principally made on moral grounds for two reasons. First, moral judgments were imposed on the novel by middle class conceptions of conduct and practical morality.⁸ Reading was supposed to be serious and educational, and readers were supposed to avoid the frivolous type of literature that encouraged rapid, inattentive and almost unconscious reading habits. Second, critics warned that reading by the lower orders was inconsistent with their life of manual labour, especially when reading seemed to be diabolically designed to "unsettle the stolid peace of mind necessary to the acceptance of a lowly status."⁹ Employers, economists and even some of the poor themselves believed that

Reading, writing and arithmetic are . . . very pernicious to the poor . . . Men who are to remain and end their days in a laborious, tiresome and painful station of life, the sooner they are put on it at first, the more patiently they'll submit to it ever after.¹⁰

Specific censures were launched against all aspects of novel

reading from the actual location of reading, which seemed to the critics to be any place imaginable, and supplanting all other activity, to the speed of consuming novels, which seemed to support the view that no mental activity, knowledge, taste or judgment was required.¹¹

It seemed that a new literary "balance of power" favouring the ease of entertainment had arrived with the eighteenth century. "The Rise of the Novel" was described as the "Total Revolution whereby writing was commercialized."¹² Literature was released from the classical critical tradition by subjecting writing to the laws of a laissez-faire market that catered to a new reading public. The result was the democratization of literature which could only lead to anarchy.

Many criticisms were aimed at the dangers of the lower class aspiration to the leisures of their elite "betters"; but the majority of the recruits to the new reading public were, in fact, middle class, seldom extending below shopkeepers and tradesmen, with the exception of apprentices and the huge class of domestic servants. There were many forms of printed material available to the lower class at a much cheaper price including ballads, chapbooks, pamphlets and newspapers. The size of the reading public for books still numbered only in the tens of thousands,¹³ but opposition to the novel and its dissemination turned from distrust and fear of the possible influences to indignation and heated censure.

Circulating libraries did their largest and most profitable business in novels rather than in other publications that were considered more respectable (History, Biography, Travels, Poetry). In 1740 there were three circulating

libraries in London and by 1800 there was an estimated 1,000 in Great Britain. The most famous of the circulating libraries of this period was William Lane's Minerva Press at 33 Leadenhall Street in London. It supplied the most popular and the most objectionable books. Lane knew his public and capitalized on their tastes, and Minerva became the symbol of cheap literature called "rubbish" or "ratsbane," and was the butt of much criticism.

Such complaints were not new. The first circulating library in Britain was established in 1725 by Allan Ramsay. Only three years later it was raided by officials after complaints of the pernicious influence of its novels had stirred the magistrate to action. Ramsay found out about the raid and had hidden all objectionable books, turning the investigation into a farce.

Minerva, a convenient epithet for contempt, was the chief purveyor of cheap literature from 1773-1820. At first, Lane concentrated on publishing cheap shilling pamphlets of catastrophic shipwrecks and accounts of criminal trials. After 1790 its mainstay was in popular novels dominated by the Gothic tradition. Its prospectus of 1794 stated that it was open to such subjects as tended to the public good. The pages shall never be stained with what shall injure the mind or corrupt the heart. They shall neither be the Instrument of Private Defamation or Public Injury.¹⁴

Circulating libraries were referred to as the "slop-shops" in literature or "quack shops," or "sinks"; but even those who coined these terms, the upper class, frequented the circulating libraries, although few would admit to it.

Typical criticisms of the circulating library may be

found in popular literary magazines of the period. A letter to the Gentleman's Magazine in 1808 demanded that the licensing of circulating libraries be instituted. The author believed that the freedom of the press led to the wide pernicious influence of the novel and noted that, while theatres were required to be licensed, they had fewer immoral consequences.

How few persons are likely to be contaminated by the performance of an immoral play, compared to those who may be rendered vicious by the publication of an immoral book, which may be circulated throughout the entire kingdom, and may enter every house . . . not a vile contemptible novel, or romance, but what will find its way to a circulating library.¹⁵

And in The Monthly Review of 1773, circulating libraries were called "palaces of scandal" and their proprietors called "men whose business it is to puzzle heads and corrupt hearts." The author of the article warns that an Act of Parliament would soon be passed whereby institutions of this type would be closed and their owners "declared, like the players, rogues and vagabonds, the debauchers of morals, and the pest of society."¹⁶

Novels were supposed to have this immoral influence by setting up characters after whom women and children, and especially the poor, were tempted to model their lives. No type of character was satisfactory to all, but Richardson's Lovelace was the stock example for objectors, as Lovelace's evil qualities were delineated in far too much detail. Ideally, the novelist's duty was thought to be "to warn his reader against vice, without too plainly telling what it is."¹⁷ Fielding's Tom Jones was also widely condemned for mingling vice and virtue in a fascinating character with the result of confusing the reader.

For the most part, objections were to the obscenity or sexual immorality that abounded in novels. Little concern was given to the kind of effects that Thomas Medwin noted regarding Percy Bysshe Shelley's boyhood experience with novels. Medwin and Shelley at the age of ten would resort "under the rose to a low circulating library [sic]" where they read tales of terror which were Shelley's favourite. "After supping on the horrors of the Minerva Press, he was subject to strange, and sometimes frightful dreams and was haunted by apparitions that bore all the resemblance of reality."¹⁸

Prohibitions of literature should originate in the home, and parents should not let children subscribe to the circulating libraries. Such was the theme of Joshua Collins' A Practical Guide to Parents and Guardians in the Right Choice and Use of Books published in 1802. He proposed the formation of book societies which would include only "innocent" works of fiction founded on "good principles."¹⁹

The novels which terrified Shelley were likely those of the Gothic tradition which were the most popular in the period 1790-1820. The best sellers at the Minerva were Regina Maria Roche's Children of the Abbey with the "spice of Gothic terror" and "scenes carefully calculated to freeze the blood,"²⁰ and Francis Lathom's twenty-three novels that "cater to the fashionable taste for terror with a care for detail of exciting incidents of murders, banditti, dungeons and thunderstorms."²¹

The prototype of the Gothic novel was Matthew Gregory Lewis' The Monk published in 1796, although the Gothic novel dates back to Horace Walpole's Castle of Otranto in 1764.

Lewis forewarned his readers in the preface of "extremes in loving and hating" but continued to give vivid descriptions of wantonness and sadism among monks and nuns; burial alive, the Inquisition, blood drunk from skulls, murder, death by haunting, incest and all manner of inventions for the reader to enjoy. Even the Marquis de Sade thought The Monk was the best of "ces romans nouveaux."^{2 2}

Yet it was not the violence in these novels that was criticized. The Monthly Review in 1797 complained that the vein of obscenity made The Monk unfit for general circulation, and the Critical Review warned that The Monk would "inflame the fleshly appetites" and "inculcate the first rudiments of vice" and "give alarm to the still sleeping passions."^{2 3}

"Bluebooks" or "Shilling Shockers" selling for sixpence, or a shilling, abridged and imitated the three volume Gothic novels in the style of Lewis' Monk, Walpole's Castle of Otranto, Clara Reeve's The Old English Baron and Mrs. Radcliffe's Italian into 30 or 70 pages to make Gothic thrills available to almost everyone. These chapbook-like stories were extremely popular, especially among adolescents. They cut out all boring details and capitalized on sensational events. The stories were set either in a Gothic Castle with a bluebeard baron, or in a Monastery or Convent with its murderous monk. These villains seduce heroines and harass heroes and, although the tormentors learn eventually that "the wages of sin is death," the typical ending is where the hero grasps the corpse of the heroine and expires. "Bluebooks" were deeply concerned with giving their quota of thrills and elegant engravings of the most sensational and lurid incident adorned the frontispiece

to convince the customer that the story was horrid enough to invest in.²⁴

Mrs. Radcliffe described the use of terror by novelists as the "dear, wild illusions of a creative mind." She argued that the terrible and the sublime could not be separated in art, and that the elevating power of the terrible restores a sense of mystery to life and rouses the dormant imagination.²⁵ Yet when terror was made into a commodity and combined with sadism for popular appeal, critics were afraid that the decadence of the epoch would lead to the collapse of the entire civilization. The observation that the majority of the people continued to live normal and healthy lives despite this "cascade of human suffering and disturbance" led to a realization that "there are more tongues cut out, more eyes put out but nothing else has changed."²⁶

Chapbooks and Broad-sides

Contrary to popular belief, the Education Act of 1870 did not create the mass reading public, as a large working class readership already existed before 1870. Charity schools had been in existence since the late seventeenth century, and by 1723 reported an attendance figure of 23,421.²⁷ Sunday Schools were established by Evangelicals by the mid-eighteenth century. Day Schools with a monitorial system began in the early nineteenth century along with Workhouse Schools and Schools of Industry provided by factory owners, while "Dame Schools" run by concerned individuals were common in the eighteenth century. The majority of children attended one of these if only for a brief time. Though not literate by our standards, most

acquired the ability to read and provided the base of a much larger reading public than generally thought. The ability to read was also encouraged by numerous handbills posted on the walls of city buildings and available for as little as a halfpenny. By 1851 it was estimated that two-thirds of the British population could read and there were two million children attending school.²⁸

By the late eighteenth century there were many penny tracts advocating political reform, and which were considered revolutionary in nature. Tom Paine's Rights of Man was not prosecuted until 1792, when it appeared in cheap broadsheet form. William Cobbett, the most celebrated radical journalist, also wrote for the lower class majority in cheap editions. It is not surprising therefore that Parliamentary Debates reflected concern over the "inflammatory" and "seditious" nature of radical literature as being the principal cause of rioting and violence.²⁹ Attempts to control working class reading were sometimes quite repressive, such as the 1799 Act for Stricter Control over the printing trade, flogging and imprisonment meted out for infringement; or legalistic, such as The Six Acts of 1819 that attempted to deal with "twopenny trash"; or "inspirational" by use of counter-propaganda issued by religious societies to denounce the radical press and preach religion and morality.³⁰ In the end, these attempts failed to control the dissemination of cheap literature, but similar inspirational efforts by the Religious Tract Society and Hannah More showed some signs of success.

Hannah More was an Evangelist who supported the work of the Proclamation Society and the Society for the Suppression

of Vice. She was convinced that depraved, sinful and idle chapbooks and broadsides would corrupt the lower classes, yet she fervently believed in the Sunday School movement that taught them to read. Her Cheap Repository Tracts published in the 1790's were an attempt to provide suitable reading material for the masses and to counteract the ideas of the French Revolution. She adopted these tracts to popular taste with eye-catching titles and suggestive woodcuts. John Evans and John Marshall, leading printers in the chapbook trade were employed to print the tracts in exactly the same format as familiar cheap street literature, and to get them into the hawker's wares. More dwelt on the horrors of sin in an attempt to reform the masses and alter the content of their reading matter. Two million of these tracts were sold in 1795 and formed a major part of the cottagers' library for the next thirty years.³¹

The Religious Tract Society was founded in 1799 in an attempt to draw the audience away from the "vile publications" sold on the streets by hawkers. Their tracts were similar to those published by Hannah More and were distributed free in quantities of about 40,000 at public executions. The Tract Society blamed anarchist journalists and inflammatory placards for inciting the turbulence of the Luddite rebellions of 1811-1813. Evidence for this claim came from a confession in the 1813 York Trials where one of the defendants confessed he had worked in a factory where accounts of machine-breaking were repeatedly read.³² The Tract Society and Hannah More were convinced that their publications had prevented rioting in a number of instances.

The Eclectic Review in 1806 lauded the work of The Religious Tract Society in counteracting a situation described as follows:

We have long lamented that the diffusion of virtue, and that easy circulation of knowledge has been perverted into the service of licentiousness.³³

In fact, both the Tract Society and Hannah More regarded themselves as responsible for the safety of youthful and lower class readers.

A well defined criminal class had come into existence by the early eighteenth century along with a complex system of dealing with crime including law courts, informers and crime reporters. Theft increased remarkably, and the golden age of the highwayman was signalled by the popularity of The Beggar's Opera in 1728. Punishments for crimes against property became extremely severe and often meant execution by hanging or transportation and a few historians have noted that for many people the punishment for crime was feared more than the wrath of God for committing the sin. It was commonly held that "Hell is almost bound by Newgate's wall."³⁴

Public sympathies began to move toward the criminal, and Daniel Defoe presented his whores, highwaymen, shoplifters and adventurers as normal people victimized by circumstances. The late years of the eighteenth century foreshadowed the Victorian fascination with murder, and the famous James Catnach set up his press in the infamous Seven Dials district of London to take advantage of the growing market for literature of this nature.

Crime and violence had always been popular in chapbook tales and broadside news but for Catnach it was the mainstay

of his trade from 1792-1841. He was most adept at putting out crime and scandalous stories at the right moment, and this was the secret of his success. Any dying speech or confession of a criminal could reach sales in the millions over a period of years. As an example, Catnach made 500 pounds by selling, for one penny, accounts of the sensational murder of William Weare by John Thurtell in 1832.³⁵ Catnach also made large profits on sales of dramatic accounts of the activities of famous highwaymen of the early eighteenth century such as Dick Turpin and Jack Shepherd. All sensational crimes of the period were printed in great detail and these cheap publications were widely circulated. The murder of Ann Williams by William Jones in 1823, the murder of Maria Marten by William Corder in the Red Barn in 1828, the body-snatching crimes of Burke and Hare in 1831, and the murder of Mrs. Brown by James Greenacre in 1837 were among the most popular. The last dying speech and confession of William Corder sold 1,166,000 copies.³⁶

Some sensational crimes were fabricated when business was slow and sold as "cocks" or "catch pennies." These were fictitious contrivances created to obtain money from the public, often consisting of descriptions of murders, fires, and terrible accidents that never happened. These fictitious narrations in verse or prose were sold in the streets as true accounts, while the hawker often changed the locale of the awful event to suit the tastes of the neighbourhood in which he was offering his delusions.

One writer notes: "No more ghastly sight could be imagined than one of Jammy's embellishments of an execution."³⁷

Catnach had a large number of blocks to illustrate any number of criminals that were to be hanged, and among his stock of blocks were several well-known scenes of horrible and awful crimes to add to his vivid descriptions. Charles Hindley says of Catnach:

There can be little doubt that Jemmy Catnach, the great publisher of the Seven Dials, had his mind mostly centred upon the chronicling of doubtful scandals, fabulous duels between ladies of fashion, 'cooked' assassinations, and sudden deaths of eminent individuals, apochryphal elopements, real or catchpenny accounts of murders, impossible robberies, delusive suicides, dark deeds, and -- though last, not least, in his love -- public executions, vulgo 'Hanging Matches,' to which was usually attached the all-important and necessary 'Sorrowful Lamentations' or 'Copy of Affectionate Verses,' which according to the established custom, the criminal composed in the condemned cell the night before his execution.³⁸

Catnach and his "Grub Street" compatriots produced almost the whole of lower class literature until the penny newspapers of the 1830's, which then carried on the tradition of sensational and violent crime literature for the masses, at the same time replacing the broadside and chapbook trade.

Newspapers

The total audience for newspapers at this time was only about a half a million, acknowledging that they changed hands twenty times in the coffee houses, bars and reading rooms. The Stamp Tax had, in fact, raised the prices of most newspapers out of the reach of the majority of the people.

As early as 1708 and 1711 newspapers appeared "made to order both for the man to whom the other reading of the age seemed either forbiddingly prophane or portentiously dull."⁴⁰ These were the years in which Joseph Addison and Richard Steele founded their Spectator and Tatler, to provide moral

reading with an emphasis on practical knowledge. While both Addison and Steele supported the idea of national reformation, their ideas did not circulate widely.

Far more popular were newspapers that purveyed scandal at a cheap price. The most extensively read of these was Rambler's and Ranger's Magazines which gave accounts of the sexual scandals of high and low society, accounts of criminal prosecutions, and even explicit illustrations, names and addresses of prostitutes. Eventually many of these publications were forced to either change their moral tone or close down by the Proclamation Society.⁴¹ Again, criticisms were founded on the belief that obscenity and sexual immorality would corrupt. Marked sadism and fascination with flagellation were not widely criticized as long as such violence predominated over explicit sexual descriptions. Once again we see that sexual licentiousness was considered far more dangerous than graphic descriptions of violence.

Summary

The period of 1695-1832 was characterized by attempts at legal censorship of sedition in literature that was believed to be the source of violent mass uprisings. The Puritan opposition to immoral literature had widened to a popularly held view that all fiction not written for a specific moral purpose was perilous. Literature was capable of inspiring promiscuity, inappropriate ambitions, laziness and attempts to undermine authority. Guardians of public morals had succeeded in establishing legal means for dealing with obscenity but apart from seditious intent, there was no

concern with violence in the content of fiction.

Yet, the roots of the type of fiction that would later be criticized for extreme and sensational violence were all present. The "Shilling Shockers" were the basis of the later detective mysteries of Poe, Bulwer and Collins. Catnach's penny broadsides and chapbooks formed the basis of the "Penny Dreadfuls" that carried on the tradition of exploiting crime news. Finally, the stern diet that was thought appropriate for children contained as much violence as the later horror comics. Foxe's Book of Martyrs with its vivid and grisly plates illustrating the torture and murder of Saints, Grimm's Fairy Tales in which people often devoured their fellows, and many manuals of edification and admonition prepared to frighten the child into "being good," were the basic reading materials for children.

ENDNOTES

¹Donald Thomas, A Long Time Burning (London: Routledge and Kegan Paul, 1969), p. 152.

²Ibid., pp. 171-172.

³Ibid.

⁴Ibid., p. 81.

⁵Ibid., p. 113.

⁶Ibid., p. 114.

⁷J. T. Taylor, Early Opposition to the English Novel (New York: King's Crown Press, 1943), pp. 4-5.

⁸Ibid., p. 1.

⁹Ibid.

¹⁰Ian Watt, The Rise of the Novel (Los Angeles: University of California Press, 1967), p. 39.

¹¹Taylor, pp. 5-9.

¹²Watt, p. 54.

¹³Ibid., p. 42.

¹⁴Dorothy Blakey, The Minerva Press (Oxford: University Press, 1939), pp. 41-42.

¹⁵Taylor, p. 38.

¹⁶Ibid., p. 49. There was, in fact, no Act of Parliament passed to this end.

¹⁷Ibid., p. 94.

¹⁸Ibid., p. 29.

¹⁹Ibid., p. 39.

²⁰Blakey, p. 58.

²¹Ibid., p. 69.

²²Thomas, p. 181.

²³Ibid.

²⁴W. W. Watt, Shilling Shockers of the Gothic School (New York: Russell and Russell, 1967).

²⁵J. M. S. Tompkins, The Popular Novel in England (Lincoln: University of Nebraska Press, 1961), pp. 222-223.

²⁶P. M. Pickard, I Could a Tale Unfold: Violence, Horror and Sensationalism in Stories for Children (London: Tavistock, 1959), pp. 30-31.

²⁷Leslie Shepard, The History of Street Literature (Newton Abbot: David Charles, 1973), p. 48.

²⁸R. K. Webb, The British Working Class Reader 1790-1848; Literacy and Social Tension (New York: Augustus M. Kelley, 1966), pp. 15-21.

²⁹*Ibid.*, pp. 46, 105.

³⁰*Ibid.*, p. 160.

³¹Q. D. Leavis, Fiction and the Reading Public (London: Chatto and Windus, 1932), p. 146.

³²Webb, p. 45.

³³Taylor, p. 101.

³⁴Ian Watt, p. 128.

³⁵R. Collison, The Story of Street Literature: The Forerunner of the Popular Press (Santa Barbara: Clio Press, 1973).

³⁶Charles Hindley, The History of the Catnach Press (Detroit: Singing Tree Press, 1969).

³⁷*Ibid.*, p. 257.

³⁸*Ibid.*, p. 65.

³⁹Ian Watt, p. 42.

⁴⁰Richard D. Altick, The English Common Reader (Chicago: University of Chicago Press, 1957), p. 46.

⁴¹Thomas, pp. 117-120.

CHAPTER III

THE VICTORIAN PERIOD: THE RISE OF VIOLENT LITERATURE

The Victorian Preoccupation with Murder: The Background

The nineteenth century brought with it new attitudes toward the treatment of crime in fiction. Throughout the eighteenth century, religious sermons and tracts were inspired by current criminal activities to give solemn moralizing lessons of a criminal's awful fate at the gallows. Murder served the moralists by carrying a stern message to the ungodly. Like great fires, epidemics, lightning strikes, and terrible storms, murder was a visitation of evil and a warning from God. The theory of officialdom that seeing criminals executed would frighten all spectators from evil-doing, complemented the moralists' attitudes. Each year in London executions could be witnessed at least eight times outside Newgate prison. Hangings drew huge crowds from all classes of society, and provided an excuse for a day of public festivity.

Newgate and its executions of notorious and petty criminals was an obtrusive theme in English life.

. . . the punishments meant to terrify evildoers frightened the innocent as well. Servants told tales of the gallows, parents used them to caution naughty children, and the boys themselves sought a delicious chill from accounts of horrifying murders. For many, all this was enjoyment, but some -- sensitive beyond the ordinary -- carried into manhood the memory of their fears.¹

Samuel Romilly revealed his memories of such teachings and their effects upon him as a child:

The prints which I found in the lives of the martyrs and the Newgate Calendar, have cost me many sleepless nights. My dreams too were disturbed by the hideous images which haunted my imagination by day. I thought myself present at executions, murders, and scenes of blood; and I have often lain in bed agitated by my terrors, equally afraid of remaining awake in the dark, and of falling asleep to encounter the horrors of my dreams.²

The practice of moralizing upon criminal executions was part of a larger doctrine that held that a child was full of original sin at birth and his soul must be cleansed. Accordingly children were fed daily doses of religious teachings that placed a great emphasis on hellfire, punishments for sins and early deathbeds and such admonishments often frightened children into nervous convulsions.³

Piety was not a mere Sunday garment; it was of the texture of the life of the folk. Nor was theology a mere system of abstruse theories; it was intimate and deeply personal and nobody could quite escape it.⁴

In this vein, a large proportion of the output of the early press were broadside versions or chapbooks of sermons, catechisms and warnings to the ungodly. This tradition was continued in the numerous religious tracts that were distributed among the poor well into the nineteenth century. (Circulations of this type of material were more widespread in colonial America where the press came directly under the supervision of Puritans and Quakers.)

Ministers had sermons published in street-ballad form describing a "sulphurous picture of the hatefullness of an angry God" and the court scene of the Last Judgment of Revelations in vivid and terrifying detail. Rev. Wigglesworth's

Day of Doom, first published in 1662 and selling 1,800 copies within the year was one of the most popular of this genre.

Its presentation had an emotional drive, a vividness of imagery, and a compelling narrative movement all combined in great effectiveness. Here were verses far more sensational than the ballads about murders and hangings that were sold on the street, and Wiggleworth's influence over generations of New Englanders came largely from his shocking sensationalism.⁵

These publications were best sellers in America at the beginning of the eighteenth century and were equally popular in Britain.

Not until James Catnach and the "Penny Dreadfuls" after 1830 were crime and criminals sensationalized, made pleasurable and disseminated in mass circulation doses to a newly literate public. Murder was exploited for pleasure and for its entertainment value.

There had been a few examples of the popular arts tending toward such a light hearted treatment of violence during the eighteenth century. The Beggar's Opera of 1728 united humour with crime and punishment and stimulated considerable argument about the tone with which such subjects should be treated. A clergyman, Martin Madan, was concerned about law enforcement and was duly agitated about the possible effects of The Beggar's Opera. He believed that the satire in The Beggar's Opera

. . . is quite lost upon the lower class people, and little of the piece may be supposed to remain on their minds, but the mischief of it . . . it is hardly to be doubted, that many a wretched youth . . . has been determined upon the most flagitious courses, from a noble ardour, which has been kindled in his imagination, to imitate the illustrious hero of the Beggar's Opera. . . . How different a performance is the George Barnwell of Lillo . . . its hero led forth to public ignominy and death -- exhibiting a striking lesson to all beholders

and an awful caution against the first solicitations of vice.⁶

Another such example would be Punch and Judy, which had an older stage history, larger and more varied audiences, principally composed of children, and was universally popular. Punch acts out representations of contemporary crimes and succeeds in hanging the hangman before he is to be executed.

Criminal deeds, trials, and executions always appeared in newspapers. Newgate and the Gallows were popular topics regularly carried in "accidents and offences" columns. When some aspect of the crime induced particular excitement, generous space was allotted, the accounts became broadside ballad material and the criminal's biography was included in one of the many Newgate Calendars.

The most popular of the Newgate Calendars was the five volume Malefactor's Bloody Register, first appearing in 1773. Biographies of Claude Duval, Dick Turpin and Jack Sheppard, notorious and universally popular eighteenth century highwaymen were staples. Later popular writers like William Ainsworth were inspired by the characters described in these calendars but for the most part they were too expensive to come into the possession of the average person.

The Newgate theme was pervasive and inspired what came to be called the Newgate Novel, and also the "Penny Dreadfuls" and the early detective fiction known as the "Sensation Novel." These forms were extremely popular during the nineteenth century and created an interest in murder that was far out of proportion to its actual incidence.⁷ The tendency of this crime fiction to evoke sympathy for the criminal and to educate readers in

the methods of crime was the source of widespread criticism.

Legal Means of Censorship in Britain
1832-1900

After the Chartist uprising in 1848, revolutionary activity died down. Prosecutions for seditious and blasphemous libel became rare and with less certainty of success. The British people in the nineteenth century came to accept the view that no political opinion, however forcibly expressed, should be regarded as criminal unless violence, murder, or some other breach of law was advocated. Since 1861 it has been illegal by Statute to advocate an act of murder. This Act is primarily a reaction to Chartist activities between 1839 and 1850, but also included anarchists and nihilists who were dedicated to subversion and violence, and who advocated the assassination of "tyrants" everywhere.⁸ Convictions for obscene libel were more easily obtained and increased in number while those for seditious libel decreased.

Two views dominated discussions on press liberty. Absolute freedom of expression was advocated by some, while others advocated a political compromise, advocating freedom of all views except those that would incite men to violence. John Stuart Mill expressed the popular concern of many Victorians that if censorship by government authorities declined, censorship imposed by public opinion would fill the censorship vacuum. Informal censorship by public opinion's standards of good taste would become either ineffectual or tyrannical.⁹

In 1857 the Obscene Publications Act sponsored by Lord Campbell was passed, after much debate, which allowed control

of the trade in pornography and indecent literature. The Act provided for search and seizure by police with warrants, and empowered magistrates to grant destruction orders for all publications thought to be pornographic.

Campbell explicitly stated the purpose of the Act was to check only those

works written for the single purpose of corrupting the morals of youth, and of a nature calculated to shock the common feelings of decency in any well regulated mind.¹⁰

The law was not to interfere with literature or the arts but only the explicitly pornographic products of Hollywell Street.

Victorians, regarding literature as an educative agent capable of shaping an individual's personality and conduct, believed that books should be more than simply free from impurity; books should contribute to the moral improvement of their readers. Campbell's Act was extended to deal with all literature and not simply those of a pornographic nature as he had intended. All the "classics" were in danger of being labeled "obscene," including material from the Bible, Shakespeare, Rabelais, Boccaccio, the Restoration Dramatists, Fielding, Smollett, Sterne, Richardson to Zola and many others.¹¹

The "Hicklin Judgement" ruled by Justice Alexander Cockburn in 1868 enshrined the literary and medical view of pornography into law.

The test of obscenity is whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort might fall.¹²

This ruling became the guide for English and American courts; according to this judgement a book could be ruled unlawful even if it only contained obscene passages and was not

predominantly obscene. Further, literature must not vitiate the public morality, create marked feelings or lead to unlawful practices. These standards were translated into law only with regard to seditious violence and sexual immorality. The Customs Consolidation Act of 1853 prohibited the importation of obscene books and prints and an Act of 1884 restricted indecent advertising and the mailing of obscene materials. Most of the prosecutions for "obscenity" were initiated by voluntary guardians of public morals and attempts to check violence in fiction as a form of entertainment were left wholly to such organizations, and were essentially ignored by the government.

Extent of the Reading Public

By 1830 there was a large potential reading public among the working class. Popular education movements had existed since the beginning of the eighteenth century, and Forester's Education Act of 1870 simply guaranteed that the reading public would continue to expand. Education was of crucial importance to philanthropists and religious groups who accepted John Locke's teaching that the child was born with a mind that was a "clean slate" (tabula rasa), and who therefore set out to impress the right ideas upon the child.

The Evangelical Movement from Robert Nelson in 1699 to Hannah More in 1833 set up hundreds of charity schools throughout England and Wales. By 1750 attendance in these schools had reached 30,000.¹³ From the time of Wesley, Methodists provided a wide range of cheap literature for the poor. Robert Raikes and Thomas Stocks began to focus their attention

on children who wandered about the streets on Sunday and thus, began the Sunday School Movement. By 1830 between 800,000 and 1,500,000 children were attending Sunday Schools.¹⁴ The Anglican National Society was founded in 1811 and the Foreign School Society was organized in 1813. By 1833 the former was teaching about 1,000,000 children and the latter 70,000.¹⁵ The First Mechanics Institute was founded in 1823 and similar organizations were formed to help provide poor adults with useful knowledge.

These organizations and societies were middle and upper class endeavours. In addition to providing schools, a sizable trade in religious tracts was aimed at saving the souls of the inferior classes. In the final analysis, religious tracts were not as successful in their attempts to inculcate wholesome, godly and moral attitudes among the poor as their printers believed.¹⁶ The poor often resented upper class concern for their souls accompanied by neglect of such pressing needs as food, clothing and sanitation. Although the tracts achieved huge circulations, most of them were probably used for lighting pipes, wrapping paper and other unmentionable purposes.

John Wesley, the pioneer of tract literature, established a publishing house in 1745 for the printing of penny booklets. The Anglican Church followed with its creation of the Society for the Promotion of Christian Knowledge in 1698 and its replacement, the Society for the Diffusion of Religious Knowledge in 1750. Hannah More and her Repository Tracts of 1794 were followed by the Religious Tract Society of 1799. All denominations eventually set up their own tract societies.

By 1834 there were at least fifteen separate organizations distributing great quantities of religious tracts among the poor. The Religious Tract Society issued 14,339,197 different tracts in 1834 and this had increased to 18,223,955 in 1849.¹⁷ With this circulation, the Religious Tract Society led all others.

Religious tracts tended to morbidity, dwelling on death, corruption and heavy moralizing. Yet, attempts to reach the lower class audience by appealing to their tastes led to increasing sensationalism, comparable in many ways to those methods employed by Gothic novelists.

Religious tracts gradually disappeared and were succeeded by the "moral" penny press aimed, similarly, at counteracting the "Penny Dreadfuls" and the sensational press which were so popular among the working class after the 1830's.

The Newgate Novel

The Newgate Novel extended over a period of about seventeen years; from just before the Reform Act of 1832 to the Repeal of the Corn Laws in 1847. The Newgate Novel began as an instrument of protest against the severity of the criminal law and the structure of class privilege represented by that law. The writers of this genre, Ainsworth, Bulwer and Dickens, proposed that crime was partly the creation of social injustice. However, these reform motives were accompanied by an exploitation of the general interest in crime and the criminal. Critics continually raised the question of whether writers should be socially responsible for the effects of their work. The Newgate Novel was quite often regarded as

socially dangerous because it familiarized readers with vice and crime.

One of the earliest Newgate Novels was Edward Lytton Bulwer's Paul Clifford published in 1830. Bulwer's purposes were twofold: "First, to draw attention to two errors in our penal institutions viz., a vicious Prison-discipline and a sanguinary Criminal Code," and second "to show that there is nothing essentially different between vulgar and fashionable vice -- and that the slang of one circle is but an easy paraphrase of the cant of the other."¹⁸ Paul Clifford was immediately popular. However, Fraser's Magazine objected to Bulwer's warped morality. "Its moral is reprehensible to even the extremest degree"; its hero, who deserved hanging, is "made happy in the end, as though he had been the most virtuous of mankind." According to Fraser's it was wrong to incite sympathy for criminals.¹⁹

Bulwer's next novel was the centre of much wider criticism. Eugene Aram had no purpose of social reform, its hero was an actual murderer. Bulwer tried to bring Aram to life as the central figure of a romance and attempted a psychological character study of an unusual criminal mind. Aram was made attractive in everything, except he remained morally guilty. In developing the Aram story, Bulwer united romance of Gothicism with the realistic factual tradition of the Newgate Calendars.

Aram was more popular than Paul Clifford had been. Again, Fraser's concluded

. . . we dislike altogether this awakening sympathy with interesting criminals, and wasting sensibilities on the scaffold and the gaol. It is a modern, a depraved, a corrupting taste.²⁰

Fraser's believed that extraordinary crimes induced imitation and a book like Bulwer's might have the same effect.

William Harrison Ainsworth's Rockwood, which appeared in 1834 also combined the Gothic tradition with the lore of the Newgate Calendar. The legendary highwayman, Dick Turpin, was made the central character. Turpin had no scruples against violence when it was necessary, but gallantry and honour were the sources of his pride. Ainsworth reworked the Turpin legend, adding new excitements, and his version of the legend became as well established as the old. Some criticized Rockwood for containing a low element and for its vulgarity, but few expressed the fear that it would lead young men to crime.

Charles Dickens' Oliver Twist reflected the prevalence of juvenile crime and the conditions of the contemporary underworld theme. It first appeared in January 1837 as a serial in Bentley's Miscellany. The book was published in three volumes in 1839. Both the serial and the book were extremely popular. Oliver Twist was classed among the Newgate Novels because of Dickens' fascination with crimes of violence and his sensational treatment of them. Dickens probes the psychology of the murderer, making the crime convincing and intimate.²¹

The Edinburgh Review praised Dickens' work. He

. . . never endeavours to mislead our sympathies -- to pervert plain notions of right and wrong -- to make vice interesting in our eyes . . . His vicious characters are just what experience shows the average to be . . . We find no monsters of unmitigated and redeemable villainy no creatures blending with their crimes the most incongruous and romantic virtues.²²

This was an obvious contrast to Bulwer's treatment of criminals.

Ainsworth's Jack Sheppard appeared in serial parts in Bentley's Miscellany beginning in January 1839. Jack Sheppard was a petty thief whose life story had reached legendary proportions due to his several ingenious escapes from prison. Jack Sheppard was widely criticized primarily because this novel put foremost the sexual element that Dickens carefully avoided. Jack Sheppard was issued as a three volume novel, and sold 3,000 copies in the first week of publication in 1839.

Ainsworth's novel revived a popular legend and a "Jack Sheppard craze" followed, the effects of which were described by Thackeray.

I have not read this latter romance [Jack Sheppard] but one or two extracts are good: it is acted at four theatres, and they say that at the Cobourg [sic] people are waiting about the lobbies, selling Shepherd-bags—a bag containing a few pick-locks that is, a screw driver, and iron lever, one or two young gentlemen have already confessed how much they were indebted to Jack Sheppard who gave them ideas of pocket-picking and thieving they never would have had but for the play. Such facts must greatly delight an author who aims at popularity.²³

Thackeray's criticism seemed to be validated when a valet named Courvoisier admitted that he had killed his master William Russell after getting the idea by reading Jack Sheppard.²⁴ Critics immediately reexamined the novel and concluded it was a book that would create a lust for cruelty and The Examiner added:

. . . we acquit the author of having intended or foreseen the encouragement of cruelty, but the admiration of the criminal is the studied purpose of the book.²⁵

One of the most vocal critics of the Newgate novel was Thackeray. He insisted that virtue and vice must never be confused or mingled in the same character and vice must never be made interesting.

Bulwer defended his motives by arguing against the principle that one must never incite any sympathy or interest in the criminal. This attitude, he said, would do away with Othello and Macbeth. Further, he contended that even criminals have some good qualities and defended the realism of detail.

Debates between the merits and dangers of the Newgate Novel continued with eminent proponents on either side. However, the three volume novel sold for at least 1 1/2 guineas and was well out of the reach of the working class. When the Salisbury Square penny serials appeared in the 1830's criticism became much stronger.

The Salisbury Square School of Fiction

Opponents of popular education seized upon the spread of crime and the great popularity of criminal news in the "Penny Dreadfuls" as evidence of "the deficiency of sound and religious education for the great mass of people most exposed to vicious influences." Many believed that the masses had an innate resistance to the redeeming powers of education. Their prurient appetite for the news was thought to be never satisfied unless they were absolutely glutted with crime in print. Newspapers were condemned for being accessories to murder since "murder in print breeds more murder." It was also suggested that the "Penny Dreadful" accounts of crime catered to the naturally evil propensities and suggestibility of an uneducated mind. Such attitudes were widespread by 1840.²⁷

Penny newspapers first appeared in 1832 and by 1840 there were eighty cheap periodicals circulating in London.²⁸

Many were innocuous but crime and Newgate material was always popular. The proportion of crime and sensation increased in the later decades and was always the staple of the Salisbury School of Fiction. Two men dominated the trade in "Penny Dreadfuls"; G. W. M. Reynolds and Edward Lloyd.

G. W. M. Reynolds was the most notorious, sensational and popular of writers in the later nineteenth century. He deliberately exploited the market for all manner of sexual passion, torture and pain and described them in great detail. He included livid descriptions of torture and cruelty, full accounts of guillotining and horrible descriptions of child beating, all of which were based on real incidents. Reynolds' most popular novels, Faust, The Mysteries of the Inquisition, The Mysteries of London and the Mysteries of the Court of London appeared in serial parts in his penny weeklies. Reynolds' Miscellany was the most popular penny magazine of the period with a circulation ranging from 300,000 in 1845²⁹ to 450,000 per week in 1856.³⁰ Reynolds was a Chartist who combined extraordinary narrative with complicated action, crime, political radicalism, sadistic violence and an emphasis on sex.

Most of the attacks against this type of popular literature were aimed specifically at Reynolds and his publications. After 1847 criticism and adverse public opinion from the middle and upper classes became so strong that it seems to have made Reynolds' style more conventional and less colourful.³¹

Edward Lloyd began publishing a number of cheap periodicals in 1841. The People's Police Gazette and Penny Weekly Miscellany were the most popular. The Police Gazette gave

accounts of the most lurid crimes accompanied by detailed and horrible illustrations. The sensational quality of the illustrations may be imagined when it is noted that Lloyd demanded that in several "the eyes must be larger and there must be more blood -- much more blood!"³² The Penny Weekly Miscellany included crime and mystery novels in serial parts and descriptions of the exploits of notorious criminals and highwaymen. Details of vice and tortured victims were meant to startle and shock.

As Richard Altick has noted: "What Ainsworth brought to the drawing room audience, the hacks of Salisbury Square manufactured for the tenements."³³ Edward Lloyd incurred Dickens' wrath by supplying the penny market with imitations under the titles of "Oliver Twiss," "Nicholas Nickleberry," "Martin Guzzlewit" and the "Penny Pickwick." Dickens' plots could be recognized in these, but for the most part they were summaries stressing the most sensational aspects. After 1860, much of Lloyd's output was directed primarily toward juveniles and dealt in blood and thunder.

Many other penny publications were condemned as the foulest filth of all literary matter [in which] robbery was presented as merely a skillful sleight of hand, murder as nothing else but heroism, and seduction and prostitution as being anything but blameable.³⁴

The London Journal, established in 1845 was the most popular after the publications of Lloyd and Reynolds. It had reached a circulation of 200,000 by 1854³⁵ concentrated among young men. The London Journal was

full of adventure of wild romantic stories depicting duels and battles, deeds of daring, hair breadth escapes by land or sea, the heroes being banditti, pirates, robbers and outlaws.³⁶

These were the prototypes of the "Penny Dreadfuls." There were many imitators, but they circulated less widely. In reaction to these allegedly "immoral" and harmful publications a "Purified Penny Press" attempted to provide good fiction for the masses. Attempts to create an attractive but morally edifying competitor were widespread.

In his first issue of The Penny Weekly Miscellany, Lloyd claimed he would "maintain the highest majesty of virtue over the turbulence of vice." Reynolds insisted that a knowledge of vice was necessary if the path of virtue was to be followed. He too, believed that virtue was always victorious over vice in his publications; but even though wrong-doing was ultimately punished, these authors made their criminals admirable and too successful.

In an attempt to counter the attraction to this sensationalist literature, other types of "penny literature" appeared. The Religious Tract Society's Leisure Hour (1852) was the most popular of all religious "purified" periodicals. It found ways to furnish excitement and diversion without violating moral principles by dealing in "near truth" narratives, adventure, history and exploration.

The Society for the Diffusion of Useful Knowledge (1826-44) issued its Penny Magazine in 1832. The Society aimed to impart useful knowledge to the masses and inculcate in them positive values to prevent unrest and crime. The Penny Magazine reached a phenomenal circulation of 200,000 in its early years but declined to just 40,000 in 1844 when it was financially forced to cease publication.³⁷

The Society for the Promotion of Christian Knowledge

established The Saturday Magazine in 1833 to awaken reason in the lower classes and lead them to "agreeable and innocent thoughts." The Saturday Magazine reached a weekly circulation of 80,000 in 1833 but had dropped to 20,000 in 1836 and ceased publication.³⁸

From 1846-1856 numerous other religious and moral periodicals were established to purify the penny press. These emphasized domestic affection, loyalty to church and country and attributed all sufferings of the poor to their own deficiency of positive virtues. They aimed at indoctrinating the poor with the virtues of thrift, temperance, punctuality and religion.

Household Words founded by Dickens in 1850, John Cassell's Illustrated Family Paper (1853), Eliza Cook's Journal (1849) and numerous others, sought to counteract periodicals pandering to low and criminal tastes. All of this species however, failed to provide uncritical support for the working class, and were confined to practical and limited interpretations of the middle class Christian ethic, and provided little excitement or diversion. Thus, the lower class remained faithful to the rousing "Penny Dreadfuls."

Attempts to arouse public opinion against the "Penny Dreadfuls" began in 1847 with severe and critical attacks published in the literary journals and the "purified penny press." The first really comprehensive attack giving details of offences and offenders was a series of three articles by Hepworth Dixon printed in The Daily News in 1847. The first article entitled "Literature of the Lower Orders" described the cheap penny press as vicious in its influence, and

suggested that the staple ingredients of "theft, seduction, violence, adultery and murder" provided not only amusement but also instruction for the masses. Dixon's comments were not limited to cheap literature, however.

Their looseness, warmth of colouring in the criminal scenes, and of the false glow cast round guilty indulgencies, are their bane; but, unfortunately, these qualities are hardly sufficient to separate them from much of the literature of the day, which aspires to different rank, and proposed to itself a higher kind of audience.³⁹

Dixon's articles initiated much popular discussion and comment in other periodicals. Reynolds and Lloyd in particular, were mentioned and harshly criticized.

With cheap periodicals in the whole of England having a weekly circulation of almost three million,⁴⁰ and as critical comment increased, concern was reflected in parliamentary reports. The parliamentary report on Public Libraries in 1849 expressed some concern for the harmful consequences of cheap literature,⁴¹ but this discussion became a central issue in the 1852 House of Commons inquiry into the situation of Criminal and Destitute Juveniles. This inquiry noted that an organized criminal class existed in London possessing many of its own institutions from the "flash house" which provided free temporary lodging, to the "Penny theatres" and singing rooms. Periodicals and theatres acquainted new entrants into the underworld with heroes of the trade. Willing teachers gave detailed accounts of criminal trials and crime reports. The readiness to imitate others was thought to be a familiar trait of the criminal.⁴²

In 1850, there were a hundred different series of Jack Sheppard tales circulating in penny parts around London.

Lower class children also spent much of their time in penny theatres and singing rooms, singing ballads about, or watching dramatized versions of, the lives of notorious criminals.⁴³ These numerous sources of the details of criminal activity were thought to be harmful because they encouraged a desire to emulate favourite criminal heroes.

The Report of the Select Committee on Criminal and Destitute Juveniles noted the widespread influence of Dick Turpin and Jack Sheppard through the penny press and theatres. Large numbers of juvenile offenders were found to be familiar with these stories and many confessed that they had been influenced by them in their criminal deeds. The report concluded that some boys were made worse by the admiration they acquired for such criminals through the penny theatres and penny press.⁴⁴

Despite widespread criticism of cheap popular literature, no legal action was taken. The uproar began to die down by the mid 1850's and some critics even began to defend the penny press. Defence was based primarily on the observation that the love of the marvellous, sensational and exciting is universal and it is impossible to refine a taste inherent in the human race. Another argument insisted that the way in which the poor were having their diversion provided wasn't very harmful after all, since the stories of the "Penny Dreadfuls" were not very much like real life and thus, the excitement produced would only be transitory. Discussions seemed to end on the note expressed in The Saturday Review that "in this sphere of literature it is the readers who determine the spirit of the publication, and not the publication

which creates the taste of readers."^{4 5}

The Sensation Novel

J. H. S. Tompkins in his book The Popular Novel in England has noted:

The Sensational has always been present in popular literature . . . there is a universal taste for strong scenes . . . the desire to shock and be shocked is endemic in human nature and only the sophisticated feel it needs apology. Novel readers at the end of the 18th century relished an emotional orgy. . . . Critics complain through the whole period of the abuse of the marvellous in motive and incident . . . Rape, jealous frenzy and murder are the staple ingredients of these novels and the general method is cumulative. . . . Duels and abductions appeared most frequently and have their parallels in modern magazines and newspapers. . . . The Slaughterous innkeepers, corpse robbers, dungeons and ghosts are not new . . . terror is perennially fascinating to the human mind, we accumulate stock themes on which every generation draws to some extent. . . . The long period of sobriety preceding the late 18th century novels, revolutionary excitement, importation of Gothic material from Germany and the growing reading public all contributed to the sensation novel."^{4 6}

Between 1860 and 1862, the three most popular novels of the late nineteenth century appeared. Wilkie Collins' Woman in White, Mrs. Henry Wood's East Lynne and Miss Mary Elizabeth Braddon's Lady Audley's Secret were the beginning of a new species of fiction called the "sensation novel." The sensation novel of the 1860's and 1870's was a crime novel based on murder, bigamy and arson. They are the immediate predecessors of the detective novel and are themselves direct descendents of the Newgate and Gothic novels. Mystery, horror and melodrama are staples of sensation novelists such as Reade, Dickens, Collins, Braddon and Wood. Plots are wildly improbable with free use of mistaken identity, a young woman's persecution, seduction by trickery, illegal incarceration, intense emotion

and a sense of fatality.

The sensation novel was extremely popular. Collin's Woman in White created a fashion craze, was serialized in periodicals, plagiarized to some extent by half of the novelists in England, adapted to the stage and went through seven editions.

Compared to the Newgate Novel, the sensation novel did not provoke much indignation.⁴⁷ Adverse comment again criticized this species of fiction according to already familiar criteria. These novels were thought to be produced by and catered to unhealthy minds; they could sap an individual's moral strength and cause him to mistake reading for real life, hold vice up for admiration, and give evidence of a literary disease that was corrupting society.

Criticism was sharp and bitter and often satirical but the "literary disease" had become an epidemic judging from circulation figures. The introduction of cheap, one volume novels at only six shillings, and the serialization of "sensation fiction" in penny periodicals added to the genre's epidemic proportions. The railway newsstand and circulating libraries provided the Victorian public with more "sensation novels" than any other type of literature during the period.

Satire and ridicule of the sort provided by Punch in May of 1862 formed a large proportion of critical comment. Punch announced in this edition that it would establish a Sensation Times devoted to

narrowing the Mind, making the Flesh Creep, Causing Hair to Stand on End, giving Shocks to the Nervous System, destroying the Conventional Moralities and generally unfitting the Public for the Prosaic advocations of Life.⁴⁸

Upper class Victorian morality still feared that invoking sympathy for criminals would lead to widespread criminal activity among the masses, and still believed that all literature should have a reformatory purpose. However, the three volume novel and the circulating library, which had once allowed the policing of Victorian literature to be comparatively simple, had ceased to be the primary source of popular literature. The circulating libraries and, most notably, Mudie's Select Circulating Library, founded in 1842, were representative middle class institutions which accurately reflected the tastes of the times:

. . . as tradesmen, their whole prosperity was bound up with keeping the three volume novel pure for their customers, and their relation to author, publisher, and reading public made it easy for them to dictate terms. When a book offended, it was entirely unnecessary to invoke the law . . . the libraries simply refused to stock it.⁴⁹

All the circumstances of literary production and distribution conspired to give the circulating libraries an almost perfect means of censorship. The standard three volume novel was only available to the reading public through the circulating library. Publishers did not sell directly to the reading public but only through circulating library proprietors, who, by virtue of the price of books, exercised a virtual monopoly.

The rise of mass circulated penny newspapers that serialized popular novels, and the rise of cheap novels in duodecimo size ended the circulating libraries' monopoly on moral censorship. In 1847 the Parlour Library began to publish single volume novels at a cost of two shillings. This effort was so successful that Routledge's Railway Library was established to provide cheap reprints of popular novels.

Between 1847 and 1860, the two series had printed three hundred and forty cheap novels, nineteen of which were by Bulwer. Newgate and Sensation novels were staples.⁵⁰

In 1848 W. H. Smith secured the right to sell books and newspapers at railway station stalls. The cheap novels that were made available were derisively termed "Yellow Backs." Although Smith purged the railway book stalls of much of the pornography that had been present, his "Yellow Backs" were primarily sensation novels with no pretence at self improvement.⁵¹

The great fear of the upper classes that increasing literacy was the source of numerous evils, including the lowering of literary standards, the nurture of corrupt taste, and political and cultural revolution, whereby tastes would come to be set by the masses, had, in fact, been realized. Literature had become big business; it had been democratized. The trend continued as novels were produced even more cheaply. Condemnation by the upper classes could no longer impede the availability of popular literature.

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CHAPTER IV

POPULAR LITERATURE IN AMERICA

The evolution of censorship in America followed the same lines as in Britain. The first printing press was established at Cambridge in 1638 and immediately all printing was placed under strict governmental supervision. Education and printing were equated with heresy and treason and the colonial government regarded the press as dangerous unless it could be kept under autocratic control by pre-censorship and by licensing its output.

The most popular form of literature in the U.S. in this early period was the cheap chapbook and broadside accessible to all. These were similar in content and form to those in Britain and continued to form the staple reading material of the majority well into the nineteenth century. British newspapers were imported into the colonies long before they were widely printed in America. Early colonial newspapers modelled on British prototypes from which they procured stale but necessary European news.

Newspaper control in America first took the form of government licensing; the next stage saw newspapers become tools of political parties and finally, content was dictated by mass audience appeal. A similar trend has been noted in the evolution of the British press.

Books popular in the colonies were usually popular novels imported from Britain and made available through circulating libraries. By the nineteenth century the literary

trade and influence between the two countries had become reciprocal rather than one way.

Surprisingly, American recognition of the possible harmful effects of violence in fiction was recognized earlier and more widely than was the case in Britain. While Englishmen were concerned primarily with seditious implications of inciting violence, Americans accepted violence as a means to reform. The history of the American press is fraught with violence, not only in content but in extralegal attempts to control content of offensive or libelous comment. Censorship of the obscene preceded that of violence in America, as in Britain, but the Americans recognized an inherent bond between sex and violent death. Perhaps, for these reasons, violence in fiction was the cause of wide public concern and was translated into legal means of censorship as early as the 1850's.

American Newspapers 1690-1833

Newspapers did not appear in the colonies until the last decade of the seventeenth century. Content had to be approved by the Governor before printing and news-stand were licensed only if they contained no criticism of the authorities or insults toward government officials or of Puritan Theocracy. Most sold at twopence with a circulation of little over three hundred copies, and they tended to serve the wealthy merchant class at first. Illegal newspapers appeared despite the licensing laws and their printers were often severely prosecuted, usually by imprisonment. Illegal newspapers tended toward seditious content while the licensed press modelled

itself after the London Gazette or Spectator and included poetry, social satire and literary essays.

By January of 1765 there were twenty-three weekly newspapers in the colonies.¹ Emphasis was given to stale news of wars and politics from Europe while neglecting local news. These newspapers devoted much of their space to details of Indian depredations, criminal captures and trials, disasters, fires, monstrosities, piracy, storms and accidents.

Samuel Keimer opposed the frivolity and tone of the popular newspapers and published his Universal Instructor in all Arts and Sciences: and Pennsylvania Gazette in 1726 as an alternative. He believed that newspapers could spread rationalism and to this end he printed a cyclopaedia series from A to Z included in his paper. Unfortunately, it was not successful and ceased publication after a few years.

Most newspapers had achieved a circulation of at least 1,000 when the Stamp Act was imposed on colonial publications in 1765.² This Stamp Duty caused virtually unanimous resistance in the colonies and most newspapers were published on regular as opposed to stamped paper. Papers were full of accounts of mob action of burning tax collectors in effigy and destroying stamped paper.

The Stamp Act was repealed in 1767 and replaced with the Townshead Act which imposed a special tax on tea, paper, wine, oil, glass, lead and paint. Radical opposition in America continued, and newspapers played a major role in the American Revolution. Patriots burned Royalist editors in effigy and mobbed and destroyed their plants. Royalist editors were threatened and several were lynched. Patriot

papers were headed by the "join or die" snake symbol and featured violent woodcuts by Paul Revere. An illustration by Revere appeared in the Boston Gazette adorning the story of the Boston "massacre" in 1770.³ It portrayed four blocks shaped like coffins with a death's head and the initials of a victim scratched on each.

The content of newspapers was dominated by news of the revolutionary battles, but also included news of accidents, shipwrecks, fires, jail breaks, crime and epidemics in large proportions. By the end of the war (1781) there were thirty-five newspapers with circulations averaging about 3,500. Subscription rates were commonly 12 shillings per year.⁴

There had been no means of legal censorship throughout the war. The liberty of the press was instead checked by mobs, threats of violence and organizations such as the Sons of Liberty. By this time, the taste for reading in America was largely fed by daily and weekly journalism. The newspaper entered about 40,000 homes and its circulation was extended by means of coffee houses and inns where a single copy could be passed on as often as thirty times.⁵

As in Britain, newspapers came under the control of the Congress between 1783 and 1833. There was no stamp duty in America but as party feelings grew, newspapers were founded as spokesmen for specific political parties. This Partisan press incited much violence, and there was a long series of street encounters between editors of different political persuasions.⁶

Nevertheless, Freedom of the Press had been guaranteed by the First Amendment in recognition of the importance of

free speech as a vital factor in fomenting the struggle against Britain. Remedies for scurrilous attacks on character were thus dominated by physical attacks on the offending editor. Only the short-lived "gag law" of 1798 attempted to restrict the freedom of the press. The Sedition Act was an attempt to muzzle press criticism of the government during the war with France. Widespread opposition caused the Act to be abolished in 1800 as unconstitutional. By 1801 the "Dark Ages" of American Journalism had arrived, characterized by scurrility, assault, corruption and blatant attacks on personal character. Although the number of libel suits increased, assaults on, duels with, and mob violence against editors were the most popular remedies for offensive comments appearing in newspapers.

By 1833 there were 1,200 newspapers with an average circulation of 1,000 each. America had become the greatest newspaper reading country in the world.⁷ Average subscription rates ranged from eight to ten dollars per year for dailies. News of the French Revolution, national politics, outbreaks of violence, Indian wars in Florida, Napoleonic wars, domestic crime and disasters dominated the news content.

The American Press not only featured violent content but seemed to be a constant incentive to violence.

The Penny Press in America 1833-1860

The spectacular phenomenon of the penny press occurred in America as it did in Britain. Although the purported aims of the Penny Press were to provide a realistic view, expose abuses, aid social amelioration, give emphasis to local

and human interest items and to replace partisan viewpoints with objective news, most built their circulation on sensational crime news. Widespread moral criticism was invoked and attempts to counteract the "Penny Dreadfuls" in America were primarily in the form of creating "Moral" competitors.

The first successful attempt to establish a penny press in America came in 1833 with the establishment of Benjamin Day's New York Sun. This was the most sensational and popular of the penny periodicals, reaching a circulation of 5,000 daily after only four months.⁸ The Sun emphasized local and human interest news, sensational events, crime news and exploited police court reports.

The New York Transcript (1834-1839) was the Sun's first rival in sensational journalism. Its emphasis was similarly on exaggerated and humorous court reporting, illicit sex relations, prizefights and criminal trials. It never achieved the phenomenal circulation figures of the Sun but was quite popular. Penny papers like the Transcript and the Sun never gave justifications for their emphasis on crime news. The sensational was exploited because it was popular and boosted circulation.

Beginning in 1835 newspapers were established to protest the immorality of the Sun and its imitators and with the purported aim of educating the common people. Unlike the "purified press" movement in Britain, moral competitors in America also exploited crime news, but qualified their practice by insisting that their aim was to save souls by examples of "crime does not pay" rather than simply to make money.

James Gordon Bennett's New York Herald was the first of

"moral competitors" appearing in 1835. Despite Bennett's claim to saving souls he was the major impetus in building up the Robinson-Jewett murder to a height of interest which no other American murder case had achieved in the past. Bennett was convinced of Robinson's innocence and even did some detective work on his own. During the trial, scarcely any other news was printed. The New York Herald's circulation tripled as a result of the concentration on this murder.⁹

Moral criticism against Bennett increased, led by Committees of politicians, ministers and men of social distinction of the ardent belief that respectable papers should not sink to the vulgarity of reporting sensational events, rather this type of material should be ignored. Boycotts were organized by respectable citizens and editors which succeeded in forcing the Herald's circulation down to two-thirds of its original 30,000. "Vehicle of moral leprosy," "obscene vagabond," and "venomous reptile" were terms used to describe Bennett and his Herald. Bennett was forced by public opinion to tone down his paper and thereafter circulation began to rise again to 60,000 in 1860.¹⁰

Horace Greely established the New York Tribune in 1841 as an instrument of moral war against the bad taste, coarseness, indecency, crime and sex emphasis and questionable advertisements of the Sun and Herald. The Tribune was a bid to those who wanted a cheap but moral paper. Greely declared his aversion to

. . . the immoral and degrading Police reports, advertisements and other matter which have been allowed to disgrace the columns of our leading papers.¹¹

Greely's opposition to sensational journalism was based on a

belief that crime reporting incites more crime, and accusations that

. . . the damning guilt of making murderers rests on the souls of editors of papers who 'publish the loathe-some details' of murder trials.¹²

Although the Tribune built its circulation on the elaborate reporting of the Colt murder case in 1842, the incident was described on a "higher ethical plane." The Tribune eventually gained the name of "The Great Moral Organ."¹³

The chief mechanism of control over the press remained that of "cudgel and horsewhip," duelling and mob action against editors.¹⁴ These means of censorship were inspired primarily by libellous comments on character printed by editors, or by difference in attitudes toward slavery. James Fenimore Cooper's verbal attacks against the press between 1837 and 1845 were based on a view that newspapers exercised a profoundly evil influence on society. The vast extent of libellous comment was his main concern and he initiated several suits against newspapers toward remedying the situation.¹⁵

While emphasis given to scandals and crime were severely censured by moralists in the long run, they were only counter-acted by "purified" competitors. The ultimate alibi of the sensational journalist was "whatever the Divine Providence permitted to occur, I was not too proud to report."¹⁶

American Journalism 1860-1914

By 1890 there were 12,000 newspapers in the U.S. and circulations of popular newspapers reached at least 100,000 daily. The period between 1860 and 1872 had been dominated by news of the Civil War, but after 1872 the popular New York

Sun, Herald and Tribune continued sensational journalistic practices that had been established before 1860. Newspapers that were comparatively free of sensationalism like George Jones' New York Times were considered old-fashioned and declined in influence and power.¹⁷

When Joseph Pulitzer bought the New York World in 1882, sensationalism in newspapers increased markedly following his example of a style termed the "New Journalism." By 1886, the World was the most popular newspaper in the United States with a circulation of 250,000.¹⁸ Good quality, serious reporting formed the base of the World, but this was spiced by unprecedented sensationalism. The World was the leader in gossip, crime reports, crusades and news "stunts" combined with numerous illustrations. Diagrams of scenes of crimes, with X marking the spot where the body was found, detailed pictures of fires and street scenes were all common. Basically, the New Journalism formula was detailed news coverage, peppered with sensationalism, stunts, crusades, editorials of high character, illustration, promotional stunts, all in fourteen to sixteen pages, and for the cost of two cents.

Pulitzer justified his use of sensationalism on two grounds. First, he believed that people should know about crime and disasters if they were to combat them, because such things flourished in secrecy. Second, Pulitzer wanted to talk to the whole nation rather than to a select minority and therefore used sensationalism as an appeal.¹⁹ Pulitzer's style was the prototype for most popular newspapers in the period before 1892.

Sunday newspapers also increased in number during this

period. Pulitzer's Sunday edition of the New York World called Sunday World was the most popular with a circulation of 250,000 in 1887.²⁰ Five cents bought twenty pages of sensational news stories and serial fiction that was light and readable with numerous illustrations.

Illustrated monthly magazines also began to appear by 1885. Harper's, Century and Scribner's were the most popular the latter with a circulation of 200,000 in 1892.²¹

Periodical fiction aimed at juveniles became popular. There were many "blood and thunder" boys' papers at cheap prices. As an example, The Sterling Youth's Companion (1827-1936) had reached a weekly circulation of half a million by 1892.²² Comic Weeklies appeared for the first time in 1877. Puck (1877-1918) was bold, full of action and merciless in satire.²³

The New York Journal established in 1895 by William Randolph Hearst marked the beginning of an even more sensational style that came to be called "Yellow Journalism." The Journal was essentially modelled after the World, but by 1896 it had surpassed the World in circulation figures. Sex, crime and sensationalism were maintained at a high level with detailed illustrations in all editions. Newspaper editors now involved themselves in the detective business, offering rewards for clues to the latest horrible crime.

A circulation war between the Journal and the Herald aroused such tremendous adverse sentiment toward the Spanish forces in Cuba that many historians seriously suggest that it may have caused the Spanish American War. Sensational stories of the sufferings of Cubans in concentration camps, complete with lurid illustrations of mutilated mothers, slaughtering of

babies, executions and filthy living conditions, were numerous. The Journal and the World competed in their attempts to provide the most atrocious news first and encouraged Congress to make a declaration. ²⁴

The "Yellow Journalism" formula was founded on crime news, scandal, gossip, sex and disasters and added to these the lavish use of pictures (a fairly new innovation), impostors, frauds, misleading headlines, faked stories, ostentatious sympathy with the underdog and Sunday supplement comics. Typical headlines from the Sunday Journal in 1895 were:

 SNAKES ARE THEIR GODS
Cuban Disciples of the Devil have Hideous
 Midnight Orgies.

 Alone in the Moonlight
Savannahs they Disport
 Themselves like Fiends.

 Beauteous Sinuous Mulatto Girls at
the "Dance of the Adder" in the
 Witch Doctor's Village

 Eating Snakes to Ward off End.²⁵

 ROMANCE OF A MURDER:
An Opera Bouffe Assassination in Italy
 with a Real Corpse²⁶

Hundreds of thousands of men, women and children faithfully read the "blood and thunder" Sunday features that were printed regularly in the Journal. The bizarre, horror, murder, and excitement were their watchwords. On December 29, 1895 the following crime story appeared spread over an entire page accompanied by pictures of the torture instruments:

 FIENDISH PARENTS
Gruesome Torture Instruments
Collected by Mr. Gerry's Society²⁷

"Yellow Journalism" was severely criticized. In 1896

a reform movement began to end the Journal and the World. Preachers spoke out against them in sermons, clergymen held mass meetings to devise a plan of action, numerous clubs cancelled subscriptions, and librarians joined the boycott. The single unifying factor among all these groups was a belief that the exploitation of sex and crime was a public menace.²⁸ However, the boycott wasn't widely organized and had little effect. One incident serves to underline the nature of "yellow journalism." In 1901 Hearst printed an attack on President McKinley which concluded that, "If bad institutions and bad men can be got rid of only by killing then the killing must be done."²⁹ Shortly thereafter, McKinley was assassinated by a man who had a copy of the offending issue of the Journal in his pocket.

The Journal was subsequently boycotted by business organizations, libraries, social clubs and newsstands. Hearst was hanged in effigy. President Roosevelt, in his first message to Congress, stated that McKinley's assassin had probably been inflamed by ". . . reckless utterances of those who, on the stump or in the public press, appeal to dark and evil desires."³⁰ This incident contributed most significantly to the downfall of the "yellow" press.

The New York Times railed against "Yellow Journalism," and attempted to set an example by which the "yellow" press would lose prestige in comparison. The Boston Christian Science Monitor was established in 1908 to act as a protest against "Yellow Journalism." Its founder, Mrs. Mary Baker Eddy believed that crime and disaster news were unhealthful and developed a policy whereby crime stories were printed only

when society was materially affected, or when a benevolent response was needed.

Finally, in 1911, an amendment to the Criminal Code made it a criminal offence to publish "matters of a character tending to incite arson, murder or assassination." The Postmaster General was given authority to deny the mails to papers containing this type of material.³¹ After 1911, newspapers tended to follow the example of the Times, and emphasis was placed on quality and significant news and good editorials. Crime, court news and scandals were certainly not ignored, but these were not sensationalized into full front page spreads complete with lurid drawings, and photographic illustrations.

American Journalism Since 1914

Newspapers had become "big business" by 1914. The decline and fall of the two largest New York dailies, the World and the Sun, marked the transition from personal propagandistic journalism to the conservative newspapers of businessmen. While the headlines of Joseph Pulitzer's World and Charles A. Dana's Sun continued their crusading, sensational, and at times, offensive style into the twentieth century,³² both were abandoned under the dual pressures of consolidation and chain ownership led by Randolph W. Hearst, Frank A. Munsey, Robert F. Scripps and Roy W. Howard, and of the growing popularity of the tabloids.

One of the most remarkable developments in early twentieth century journalism was the tabloid, and "jazz journalism."³³ The first American tabloid was Joseph Medill

Patterson's Daily News, established in 1919. The Daily News, with its emphasis on pictorial presentation of crime-and-sex sensation, reached a circulation of one million by 1925, the highest of all existing dailies.³⁴ Its popularity inspired numerous competitors, the most popular of which were Hearst's Daily Mirror and Bernarr Macfadden's Daily Graphic, both established in 1922. F. L. Mott says of the tabloids: "The older yellow journalism seemed pale by the side of the saffron of the new 'tabs'."³⁵

A series of sensational murders and scandals between 1922 and 1929 initiated a "War of Gutter Journalism" in which the leading tabloids tried to outdo each other in coverage. Three incidents stand out. The first was the murder of a preacher by the name of Hall and a choir singer, Mrs. Mills. The police, having no clues, closed the case. When the Mirror found a witness, the case was re-opened and a total of 200 reporters covered the trial. The defendant was found "not guilty" and he promptly sued the Daily Graphic for its sensational treatment of the testimonies.³⁶ Later, in 1928, when Ruth Snyder was executed for the murder of her husband, a Daily News reporter-photographer with a camera secretly attached to his ankle provided the front page picture of the electrocution.³⁷ Numerous scandals containing much that was obscene were picked up by the tabloids. The "Daddy" Brown and "Peaches" scandal was covered in such an objectionable fashion by the Daily Graphic that The Society for the Suppression of Vice took its editors to court on charges of obscenity.³⁸

Beginning in 1925, the regular eight-column newspapers, and educational and church agencies led a campaign against

the excesses of the tabloids. The result was that the Daily News was forced by public outcry to clean up its pages and offer more wholesome types of circulation builders. Both the Graphic and Mirror disappeared. The tabloids that remained did not deal in sensationalism, invasion of privacy and picture faking but in "non-salacious" reporting, taking advantage of the convenient half-page size and the traditions of a heavy emphasis on pictures and a condensed and lively style.

The first American code of journalism ethics was prepared and adopted by the American Society of Newspaper Editors at its first annual meeting in 1923. The Code continues in its original form today as a censure against sensational techniques of the "yellow" and tabloid journalists and against imposed restrictions of the press. Section VII, labelled "Decency" is of particular interest.

VII

DECENCY. A newspaper cannot escape conviction of insincerity if while professing high moral purpose it supplies incentives to base conduct, such as are to be found in details of crime and vice, publication of which is not demonstrably for the general good. Lacking authority to enforce its canons, the journalism here represented can but express the hope that deliberate pandering [sic] to vicious instincts will encounter effective public disapproval or yield to the influence of a preponderant profession condemnation.³⁹

F. L. Mott, in his extensive history of American journalism notes that the great stories receiving the most attention in the press for any period usually "relate to wars, presidential elections, great disasters, uncommonly dramatic or sensational crimes and popular and 'built up' sports events,"⁴⁰ yet, as the twentieth century progressed, treatment of these favourite topics became less sensational. In reaction to the

"objectionable" tabloids, the Chicago Times was established in 1929 by Samuel Emory Thornason. The Times, soon the most popular tabloid was devoted to abjuring sensationalism in its lively but terse and fair news reporting.⁴¹ Its popularity was proof that a balance between commercialism and professionalism was becoming the expected ideal in journalism. For this reason, the public outcry against the tabloids was the last major opposition to newspaper content.

Freedom of the press from government infringement is a deeply embedded concept in American society. There have been few threats of government censorship of the press in this century. Censorship of the American press during the two World Wars was accepted with little opposition by the American press. Despite these censorship laws, the American people were the most extensively and promptly informed by an "army" of foreign correspondents.⁴²

During World War I, The Espionage Act and The Sedition Act formed the basis of censorship laws. The Espionage Act of June 15, 1917 forbade the use of mails and provided heavy fines of imprisonment for anyone who "shall wilfully cause or attempt to cause . . . disloyalty . . . or shall wilfully obstruct recruiting."⁴³ The Sedition Act of May 16, 1918 amended the Espionage Act to include "any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution, military or naval forces, flag, or the uniform of the army or navy of the United States" in addition to any statements "intended" to bring these things "into contempt, scorn, contumely, or disrepute."⁴⁴ Unlike their Canadian counterparts, these World War I censor-

ship laws were effective and applied to more than seventy-five newspapers.⁴⁵

A few days after the U.S. declaration of war, on December 19, 1941, the United States Office of Censorship was created to censor all communications entering and leaving the United States for the duration of World War II.⁴⁶ In addition, a voluntary system of censorship without legal sanctions was set up which worked very effectively to suppress news dealing with shipping, planes, troops, fortifications, armaments and weather conditions.⁴⁷ Despite rigorous censorship provisions, the Second World War was heavily covered, the American public receiving graphic details of battles in addition to interviews with wounded and shell-shocked soldiers.

In the U.S., as in Canada, it is primarily the libel laws which perform as the only means of press control during peace time. Although State legislation has attempted to infringe upon the freedom of the press at times, the United States Supreme Court has upheld press freedom and considered libel laws adequate protection of the citizen against possible abuse by the press.⁴⁸

Although there have been numerous strictures against American newspapers, specifically concerned with excessive violence in their pages, there have been no major protests since the 1930's. Although the treatment of violence may be less sensational and, therefore, receiving less attention, violence, in its many forms, still comprises a significant percentage of newspaper reports.

Terry Ann Knopf, analyzed the press coverage of the Chicago shoot-out between police and a group of blacks on

July 23, 1968, and other incidents of racial violence during July and August of that year, and compared them to the facts gathered from those involved.⁴⁹ As a result, she suggested that sensationalism in the press has not been totally abandoned. She concluded:

Unfortunately, inaccurate and sensational headlines created an impression of widespread sniping, with the police singled out as the principal targets. A few individual acts of violence were so enlarged to convey to the reader a series of 'bloodbaths.' In some cases, an explanation of the circumstances surrounding the injuries was buried in the news story. In other cases, no explanation was given. In still other cases, the number of casualties was exaggerated. Distorted headlines were found in the local press.⁵⁰

Knopf's study indicates that, in fact, most of the uprisings were precipitated by prior tensions and not planned by "snipers" attached to militant Black organizations. Further, there were fewer shots fired and fewer casualties than the press recorded.

Today, newspapers tend to be local in orientation. However, a study conducted between 1948 and 1950 by James Davis revealed no consistent relationship between the amount of crime news in newspapers and local crime rates. Further, his study revealed that public opinion reflects the trends in the amount of crime news reported rather than in actual crime rates.⁵¹ Apparently, crime and violence are still big sellers for newspapers.

This theme is picked up by Herbert A. Otto in a 1961-62 study of the amount of crime and sex in the content of news-stand magazines, newspapers and paperbacks.⁵² Otto found that men's magazines, such as Playboy, had the largest number of pictures depicting themes of sex and violence combined with

an average of 4,157 words devoted to violence and a heavy emphasis on physical torture and rape. Police and detective magazines, such as True Detective and True Police, had an average of thirty murders and seven robberies per issue, led the field in descriptions of incidents of rape and physical torture, and had an average of 6,199 words devoted to violence. Romance magazines, such as Real Confessions and True Love, ranked third in detailed descriptions of physical torture and second in descriptions of rape. Family magazines, such as Ladies' Home Journal, Redbook and Reader's Digest, devoted only 926 words to physical violence but led in their emphasis on verbal attack using abusive violent language.

For newspapers, Otto found a surprisingly low total amount of space devoted to descriptions of violent incidents. War violence was the highest followed by accidental violence and then by murder and physical violence. While most newspapers were found to devote between two and three percent of their total content to violence, the Detroit News was as high as 8.8% and the tabloid, the New York Daily News, was the highest with 33.5% of total content devoted to violence.

Otto found approximately 50% of cheap paperbacks fell within seductive-sadistic-violence classifications.

Although little attention is given to excessive violence and sex in the popular print media today, and the predominant belief is that the treatment of these themes is decreasing, Otto concludes:

Most magazines available on the corner newsstand are riddled with a metastasis of sex and violence themes . . . [and] there are definite indications of a significant increase in the quantity of violence and sex themes found on the newsstands over the last ten years . . .

With the exception of the tabloids, newspapers are not as preoccupied with these themes as the other media.⁵³

Since the 1930's, attention focusing on the prevalence of sex and violence in the media of communications has been displaced, with few exceptions (comic books), to motion pictures and television, while newspapers, magazines and pocketbooks have been neglected, apparently without justification.⁵⁴

American Fiction: The Conflict Between
Social Unity and Individualism

D. B. Davis, in his book Homicide in American Fiction,
1798-1860, noted that:

. . . if we could formulate a generalized image of America in the eyes of foreign peoples from the eighteenth century to the present, it would surely include, among other things, a phantasmagoria of violence, from the original Revolution and Indian wars to the sordid history of lynching; from the casual killings of the cowboy and bandit to the machine-gun murders of racketeers. America . . . where it is estimated that a new murder occurs every forty-five minutes, has also glorified personal whim and impulse and has ranked hardened killers with the greatest of folk heroes. Founded and preserved by acts of aggression, characterized by a continuing tradition of self-righteous violence against suspected subversion and by a vigorous sense of personal freedom, usually involving the widespread possession of firearms, the United States has evidenced a unique tolerance of homicide.⁵⁵

The relationship between American violent social reality and violence in fiction has been widely debated in the United States in recent years. While Henry Irving Dodge in 1921 asserted that " . . . the public grown used to 'strong medicine' in fact, must have even stronger medicine in fiction,"⁵⁶ literary critic, Kenneth Lynn, in a study prepared for the National Commission on the Causes and Prevention of Violence (1968-69), pleads for a re-examination of literary violence.⁵⁷ Lynn suggests violence in literature is a literary tool like

many other fictional conventions used to comment upon and interpret the existing social environment. Lynn heaps criticism upon the social scientists who extrapolate violent incidents out of context to create false impressions about the extent and nature of violence in American literature. Literary violence, according to Lynn, must be studied in its context because:

. . . mitigating dreams of peace . . . are threaded through the very bloodiest of our novels and stories, [and] . . . comic juxtapositions . . . take the curse off many of the most unpleasant episodes that the American imagination has ever recorded.⁵⁸

Lynn also opposes "messianic" literary critics such as D. H. Lawrence and Leslie Fiedler who indict American society on the basis of their judgment that violence is the dominant and ever-increasing theme in American literature. Asserting that it is fallacious to assume that literature is an exact mirror of life, Lynn examines a representative sample of outbursts of violence in literature and concludes that although there are similarities in life and literature, the American novel is more extreme in many ways than reality and provides more insight into the state of the author's mind than into American society.

At times however, the distinction between fictional violence and reports of actual violence disappears. Henry Irving Dodge reveals an excellent example of the blurring of fiction and fact in the New York Times, January 30, 1921:

The public cares for the story more than for the news. Suppose the papers should give but the bare facts of a crime, undecorated or "played up" by the skillful dramatists of the reportorial staffs. Public interest would be small. Why do you ask, do we devote thousands of dollars worth of space -- column after column -- to the literal report of a single trial? Simply because

there is nothing more dramatic than words uttered on the witness stand. They most always have a portentous bearing and so thoroughly does the editor appreciate this that he always sends his best men to report big cases and often employs famous fiction writers to play up local colour and scenic effect.⁵⁹

Just as newspapers turned to writers of fiction to spice up factual accounts, writers of fiction have often turned to factual material for the basis of their novels. Truman Capote made the transition from fiction to fact to produce the popular In Cold Blood. Capote moved to Kansas, where he lived for three years to interview Perry Smith and Richard Hickock, murderers of the Clutter family, friends, and neighbours of the victims, to produce a vivid portrait of the killers. While many believed that In Cold Blood was a plea for the abolition of capital punishment, Capote denies the allegation by saying, "if the boys hadn't been executed, then I wouldn't have had an effective ending for the book."⁶⁰

D. B. Davis concurs with Lynn in the belief that violence in literature is not proof of an excessively violent society. Davis' thesis is that literary violence reflects, but does not mirror, historical conditions, tensions and social patterns.⁶¹ Rather than studying specific examples as Lynn does, Davis traces a general pattern of violence in American literature from its beginnings to the present and concludes:

Critics who interpret violence in contemporary literature as a symptom of a sick society may be reassured to know that American writers have always been preoccupied with murder, rape and deadly combat. Yet, in so far as the older themes (revolution, civil war and violence as something to be either suppressed and disciplined or at least applied to rational ends) have been assimilated to an antirationalist philosophy [violence is a "creative" force, as the "very quintessence of reality"], and the individualistic hero [of the frontier] has been moved from the open seas or prairies to a dense society

[urban America] in which only the most brutal survive, the treatment of violence has grown increasingly ominous for a people who profess to believe in peace and human brotherhood.⁶²

Davis suggests that the Western hero, first created by James Fenimore Cooper in the character of Deerslayer (Hawkeye), was the result of a conflict between opposing American ideals of the omnipotent individualist and of social unity. By inaugurating the great tradition of the Western, the conflict between aggressive self-reliance and self-sacrificing unity was evaded. The individualist on the frontier could be regarded as a constructive rather than destructive force, taming the west and creating his own laws. In the struggle for survival, the western hero proved himself through acts of violence.

As the frontiers disappeared, an antirationalist treatment of violence began to dominate American fiction. The Western gave way to the detective novel, a tradition inaugurated by Edgar Allan Poe, displaying a fascination with and almost a celebration of the passions, fears, and motivations of man's irrationality. The rise in popularity of the Newgate Novel in Britain to replace the Gothic novel is likewise the result of the transition to an antirationalist treatment of violence and crime.

The first attacks on the popularity of murder in fiction in America came in 1807 from the novelist Charles Brockden Brown. He believed that, "like all departures from nature and common sense," crime and violence in fiction "will have but a short reign."⁶³ Brown himself, more than any other early American novelist had contributed to the fictional

study of murder and the psychology of the criminal. Brown believed that violence was a substitute for suppressed desires and was sanctioned only by perverted conscience or insanity.

Despite Brown's wishes, the 1830's and 40's brought a flood of English novels in the Newgate tradition that evoked sympathy for the criminal as the product of his environment. In these novels criminals were always portrayed as victims of brutal slums and circumstances.

Edgar Allen Poe, the founder of the "Detective Novel," was, like Dickens, Ainsworth and Bulwer before him, fascinated with murders and criminal psychology.⁶⁴ Poe adopted earlier pirate and highway robbery accounts that had been popular and made crime in fiction respectable by disguising violence as justice.⁶⁵ However, in Poe's work the criminal is no longer the hero. Rather, the hero is the detective superman who is permitted to take justice into his own hands. "We are meant to project ourselves into the character of the hero avenger" and "the reader becomes the lyncher, seeking blood and death and lynching of the murderer."⁶⁶

From the sentimental romance of the 1790's to the "yellow back" novel of 1850, the theme that seduction means death is constantly repeated. However, in American fiction sexual error and violent murder became parts of one inexorable process. The fear of sexual corruption in America increased to such a degree that certain offences were omitted from a liberal criminal code. Edward Livingston in A System of Penal Law, for the State of Louisiana (Philadelphia, 1833) reasoned:

. . . as every crime must be defined, the details of such a definition would inflict a lasting wound on the morals of the people. Your criminal code is no longer to be the study of a select few . . . it is particularly desirable, that it should become a branch of early education for our youth. The shock which such a chapter must give to their pudicity, the familiarity their minds must acquire with the most disgusting images, would . . . be most injurious in its effects.⁶⁷

Livingston's conception of a crime too horrible for punishment is unique in jurisprudence. Most fictional accounts of murder during the nineteenth century involved sexual conflict.

However, literary descriptions were devoted more to detail and realism of sudden death than to that of sexual violations. The link between the two was thoroughly accepted but was never explained.⁶⁸

The association between sex and death became more complex in the strange American nineteenth century obsession with corpses. Instead of a causal relationship, sexual sin meant death, and killing meant sexual possession.⁶⁹ Perhaps humorous treatment of corpses releases some of the tension of this connection between death and sex. But, for whatever reason,

. . . death in picturesque, horrible, or exaggerated forms was a source of laughter. Bodies of the lynched, the murdered, and the grotesquely killed are stock devices.⁷⁰

The sensational sex murder of Helen Jewett in 1836 was tremendously popular and seemed to reinforce the connection between sexual sin and horrible murder. Helen Jewett, a young prostitute was murdered with an axe at a "Palace of Passions" in New York. The criminal then set fire to the bed, hoping to conceal his crime. the New York Herald's coverage of the Jewett murder included a vivid description of the appearance

of the corpse. The Herald's circulation tripled within a week of this sensational story.⁷¹ Holt Ingram's novel of 1843 provided a fictional explication of this well-known murder. Several other accounts, fictional and narrative were inspired.

Poe also identified sexual love with death, be it physical, moral or spiritual. This theme, fully developed in American fiction, was not completely new. It has roots in the Gothic novel, particularly in Matthew Gregory Lewis' Monk which in turn was deeply influenced by de Sade.

In August of 1835, Nile's Register lamented that "many of the people of the United States are "'out of joint,' a spirit of riot or a disposition to 'take the law into their own hands' prevails in every quarter."⁷² Numerous periodicals expressed concern that America faced a violence crisis. Duelling continued throughout America until the late eighteenth century except in the South where it remained part of the Southern code of honour until about 1830. Mob lynchings continued long after duelling had disappeared, and well into the twentieth century. However,

Even after western gunmen had surrendered their sawed-off shotguns and six-shooters, Americans continued to glorify the memory of grim-faced duellists, who drew blood when a remark was made without a smile, who walked stiff-legged toward each other at high noon, their gloved hands poised above the curving handles of revolvers in oiled holsters.⁷³

Most fictional accounts of violence reflected the law of revenge -- inherent in duelling and lynching customs. Moralists condemned novels as the "nerve and arm of the Duellist and the Murder." The criminal's actions could always be explained by circumstances by novelists seeking to discover motives for

aggression.

By 1850, writers of fiction condemned duelling and mob lynching practices. Many believed, as George Lippard repeatedly suggested, that executions arouse the public's taste for blood and subsequently increase the incidence of crimes.⁷⁴ Public executions were intended to rid spectators of evil impulses but novelists contended that they actually aroused aggressive passions and served as vicarious outlets for murderous desires.⁷⁵

Edward Lytton Bulwer's Paul Clifford had a profound influence on popular American literature. William Gilmore Simms in America took up the theme that the criminal was a victim of circumstances and that the injustices of society were actually responsible for crime. Guy Rivers (1834) by Simms describes a criminal with a marked appetite for violence and destruction.

The United States had its criminal calendar too. In 1833 Henry St. Clair compiled the United States Criminal Calendar: or, An Awful Warning to the Youth of America. It was largely inspired by the murder of Solomon Sharp, speaker of the Kentucky House of Commons by Jereboam O. Beauchamp. Beauchamp was executed, while nearly dead from self-inflicted knife wounds, before a huge crowd of spectators. St. Clair, like other moralists of his time, believed that sensational crimes were meant to be exploited only for their reformatory persuasion.

Simms' novel, Guy Rivers, was also based on the exploits of an actual criminal. It was very similar to the Newgate Novel in treatment, but Simms believed that the moral of the story was that human nature involves a desire for excitement,

violence and destruction, and that parents should control such passions in children through careful guidance.⁷⁶

The relationship between violence in literature and violence in reality has been a central concern of literary critics since the beginnings of American fiction. The earlier direction of concern was from literary violence to violence in actuality, suggesting the possibility that a work of fiction is capable of inciting the reader to acts of violence (a common view in the eighteenth, nineteenth and early twentieth centuries). More recently, the query has been offered whether or not a violent literary tradition reflects a violent American society. It seems that while violence in literature remains a constant, and many criticisms recur, new interpretations of its value and functions emerge in justification.

The detective novel is a good example of this phenomenon. From its origin with Poe, through the Spillane thrillers, to Ellery Queen and Agatha Christie, the detective novel has been dependent upon a plot of crime and violence. All have to some extent been accused of pandering to the public taste for sex and sadism, providing blueprints for criminal activity, and generally, for being of adverse moral influence.⁷⁷ Yet Poe was defended for breaking the tradition of criminal as hero; though he probed the psychology of the criminal, he did not portray him as heroic. Spillane is the culmination of violence on the side of justice and, while many critics condemn Spillane's "sickening" graphic descriptions of violence, quoting passages similar to the ones which follow, others refer to the hero, Mike Hammer as the "saviour" of society. The narrator in both passages is the 'good' character, as opposed

to the criminals in the story. From The Big Kill:

The little guy stared too long. He should have been watching my face. I snapped the side of the rod across his jaw and laid the flesh open to the bone. He dropped the sap and staggered into the big boy with a scream starting to come up out of his throat only to get it cut off in the middle as I pounded his teeth back into his mouth with the end of the barrel. The big guy tried to shove him out of the way. He got so mad he came right at me with his head down and I took my own damn time about kicking him in the face. He smashed into the door and lay there bubbling. So I kicked him again and he stopped bubbling. I pulled the knucks off his hand then went over and picked up the sap. The punk was vomiting on the floor, trying to claw his way under the sink. For laughs I gave him a taste of his own sap on the back of his hand and felt the bones go into splinters. He wasn't going to be using any tools for a long time.

The victim of the next assault has been described as having 'a middle-aged, sensitive Latin face.' After this man has given the hero certain information, the hero blames him for the deaths of victims of the Mafia. He answers:

'I know them! From Europe I know them and who am I to speak against them. You do not understand what they do to people. You' My knuckles cracked across his jaw so hard he went back over the arm of a chair and spilled in a heap on the floor. He lay there with his eyes wide open, and the spit dribbling out of his open mouth started to turn pink. He was the bug caught in the web trying to hide from the spider and he backed into the hornet's nest.⁷⁸

Jerry Palmer, literary critic and cultural historian, cites quite different passages than those above to illustrate that it is not the violence of the hero, Mike Hammer, that is sickening, but that of his opponents. Palmer builds an elaborate theory which suggests that Mike Hammer is the "saviour" of society rather than its menace:

The dramatic function of this violence is, it would seem, to exhilarate the reader; involved with the hero, one is intended to enjoy with him the suppression of the evil men against whom he pits himself . . . the reader's sensibility is so affected by the white heat of hatred that he may well assume that a person who can be so single-minded in his hatred of something (evil) cannot

but be pure in his motivation, and if Spillane can make his reader accept the purity of the hero's motivation, he has half succeeded in making him accept the justifiability of his actions. . . . Hammer's world . . . a world which is super-ordinate to the ordinary world, for it is the invisible battlefield in the midst of society, where the fate of that society is fought out: the hero confronts a gigantic plot -- Mafia, Soviet spy ring, etc. -- and eventually destroys it, thus becoming the saviour of society, the preserver of the American way of life. . . . This society which the hero is trying to save is just the one which is creating a way of life which is incompatible with his ideas of how life should be lived and societies should be run (the well-known conflict between the ideology of free enterprise and the restrictions demanded by the rationalized liberal state). It is only by existing on the fringes of society and by being its saviour that the hero can affirm both his individuality and his socialability.⁷⁹

The numerous fans of the modern detective novels of Ellery Queen, Agatha Christie, Edgar Wallace, and others, including noted heads of state,⁸⁰ and the authors themselves, defend the genre as being merely puzzles, divorced from the reality of murder and providing otherwise bored readers with excitement and the challenge of a new game, not with cathartic tension release.⁸¹

The Pulps

Publications which came to be known collectively as the "pulp" started to emerge in the 1840's and continued to the 1930's when they were largely abandoned for new forms of entertainment such as comic books and radio.

The family "story paper" was the first of the "pulp" to evolve, beginning in 1841 with a publication entitled Uncle Sam. The questionable novels of G. W. M. Reynolds and Eugene Sue in serialized format comprised the largest part of its content. Uncle Sam was criticized for printing stories which . . . had too much of The London Journal's seduction- and suicide flavour, or even worse, the seduced was

rewarded by ultimate marriage.⁸²

Further, this publication was railed against for accepting "questionable" advertising for abortions, patent medicines and books on venereal disease. Although very successful for a time, criticism of the "family" story paper mounted, circulation dropped, and Uncle Sam ceased publication.

Shortly thereafter, in 1848, Fred Gleason of Boston established The Flag of the Free. The Flag contained many serialized novels of Joseph Holt Ingraham; an author equated with cheap, trashy literature called "yellow backs."⁸³ While claiming a high moral tone, this publication was devoted entirely to entertainment by way of sensational news, adventure and love stories and a few moral sketches. By 1849 The Flag's circulation was 40,000. "The Black Avenger of the Spanish Main or the Fiend of Blood" and "The Red Revenger" are typical story titles, highly suggestive of content. Also included regularly were the gory tales of Mrs. Ann Stephens, describing Indian atrocities on the American frontier.

Other popular story paper weeklies of the early period include Justin Jones' Star Spangled Banner (1844) of "murderous design with dressy soldiers flourishing their swords as they rode into battle";⁸⁵ The Union Jack which was devoted to land and sea battles, piracy and whaling; and The True Flag (1855) which filled its huge front page with sensational stories and always contained at least one murder.

Of later family story papers, The New York Ledger established by Robert Bonner in 1858, was the most successful. Mrs. Southworth, an extremely popular author of fiction, was

hired to write its feature serial stories, always accompanied by an illustration of a murder or a death that was sure to be included in every weekly number. The Ledger's circulation soon outdistanced every other newspaper and periodical in the U.S. with a circulation of 400,000 in 1860. This success inspired numerous imitations in the sixties.⁸⁶

Cheap paperback nickel and dime novels flourished between 1860 and 1885. These novels were condensed versions of larger works and came by way of popular serials in illustrated story weeklies. Stories appeared in such papers as the Fireside Companion (1872), the Family Paper (1870) and the New York Weekly (1859). If they were popular in this form, the whole series would be published in a two dollar reprint and then finally made available for mass distribution in condensed dime novel format.

Beginning in 1855, Street and Smith Publishers were the first to produce dime novels. One of their most popular publications was the clean-cut detective Nick Carter, who continuously found himself in violent situations. Carter first appeared in Street and Smith's story paper The New York Weekly in a story by John Russell Coryell entitled "The Old Detective's Pupil." Street and Smith decided to capitalize on the character's enormous popularity and commissioned Frederick Van Rensselaer Dey to write a series of dime novels to form the Nick Carter Library.⁸⁷

In 1860, Irwin P. Beadle and Co. made cheap novels even cheaper and began to publish juvenile novels at a nickel. After 1860 most of the new story papers to enter the field were just one product of larger businesses which published

dime novels, cheap reprints, boys' papers, girls' papers and family story papers. This type of literature reached its peak of popularity in the seventies. While the family story papers and dime novels declined after 1880, juvenile papers and nickel novels continued to be popular until 1892.

Story papers and cheap novels with their widest audience among the young, claimed adherence to high moral standards. The vices of tobacco smoking, blasphemy, gambling, drinking and suicide were attacked. Heroes were regularly required to refuse a cigarette or a drink as an example to young readers. However, the villain was given liberty to use slang, smoke, drink and kill. Moral greyness was absent from this literature. A simple opposition between good and evil was presented with virtue always victorious. There were no compromises.

Popular characters among boys' story papers were Ned Buntlines' "Merciless Ben the Hairlifter" who "never spares a redskin but kills and scalps all whom he can meet or trail,"⁸⁸ and Buffalo Bill, described by Mary Noel as

. . . the perfect stuffed shirt of the story-paper wilderness. He never drank. In Ingraham's stories he never smoked, in Buntline's only occasionally and with apologies. In Ingraham's stories he never left off a "g" at the end of an "ing" word. He never swore or uttered a word of slang. In Buntline's a few liberties of speech were allowed him, but even in moments of unrestrained anger Buffalo Bill was conscious of his audience. This was his manner of speaking:

'Can the memory of my good father, butchered in cold blood before his poor wife and helpless children, ever pass away? No, Bill, never, never! I will never feel that he rested easy in his grave while one of them is alive to boast of the dark deed he has done. I have with my own hand killed two-thirds of them, and until all are gone—and by my hand, too, I will not feel content. I heard the wretch groaning from pain this morning, It was music to my soul. Oh, how I wanted to whisper in his ear, 'Fiend, the pursuer is at hand! Your time is drawing near; the spirit of the murdered hovers near to exult

over your tortured end!' Bill, I could glory in every pain that reached his frame. I could see his eyeballs start in agony from his head—the beaded sweat, blood-colored, ooze from his clammy skin—each nerve and tendon quivering like the strings of a harp struck by a maniac hand. Oh how I could glory over his howling misery! And it is coming, it is coming—his time. When it does, mercy need not plead to me—not a throe, not a pulsation would I spare for the wealth of all the world!'⁸⁹

Story papers were ridiculed, criticized or ignored by the more sophisticated newspapers. Novels and papers aimed primarily at a juvenile audience were most severely criticized.⁹⁰ Numerous juvenile misdemeanors such as running away from school were attributed to reading this material. The New York Tribune attacked dime novels for leading boys astray and a member of the New York assembly introduced a bill to prohibit the sale of any fictional material to juveniles under 16 years of age without parental consent.⁹¹

Not until 1946 was the full length, unabridged novel produced at comparatively cheap prices. Mickey Spillane novels, the successor to the dime novel, could be purchased for twenty-five cents. Succeeding the juvenile story papers were the comic books, appearing first, just prior to World War I, at a cost of ten cents.

Although violence in fiction had inspired widespread and severe criticism by the nineteenth century, it was the gradual availability of such fiction to the common people at cheap prices that invoked the most severe attacks. Concomitant with the emergence of the pulps was the founding of the New York Society for the Suppression of Vice, and the resulting "Comstock laws" which instituted legal means of censoring violence in fiction. The Parent Teacher Association, founded in 1897 also displayed militant pressure against the pulps

From this climax, however, those censorship laws which did exist have been annulled.⁹²

Comstockery in America

Anthony Comstock was the 'guardian of the moral purity of youth' in America. For more than forty years Comstock stood watch at what he called the 'sewer mouth' of society, alert and expert at identifying obscenity and aggressive in arresting it.⁹³

Anthony Comstock was born in 1844 and raised in rural Connecticut, then the most religiously orthodox and socially conservative part of the United States. As a private in a Connecticut regiment during the Civil War, he spent most of his time fighting to reform the morals of his comrades. Following the War, Comstock became a New York dry goods clerk but persisted in his visions of "moral heroism" and in his determination to make the police enforce Sunday-closing, anti-obscenity and other laws that were often disregarded. Comstock's first exploit came on March 3, 1872, when he presented obscene books and pictures to the police and reported the vendor who was then arrested. Between 1872 and his death in 1915, Comstock was responsible for the arrest of more than 3,600 men, women and children on moral grounds, not always restricted to obscenity.

Comstock believed that he was divinely commissioned to his post of "moral guardian" and that it was doubly blessed, being both assigned by God and being in the service of protecting children. His enemies were legion and included the "free thinkers" such as D. M. Bennett, Robert Ingersoll and Ezra Heywood. However, he also had the support of numerous respectable citizens who believed that he embodied the "moral

sense" of the era. Many cartoons ridiculed him, but most editorial writers found reasons to justify his actions. It was Comstock's own arbitrary definitions of "immorality" and "obscenity" that were accepted in the courts of laws and enforced by Comstock's strong-armed methods.

Comstock's conviction was that a "single book or a single picture may taint forever the soul of the person who reads it."⁹⁴ Evil reading, according to Comstock, encompassed nearly all light fiction and popular journalism; from the story papers to dime and half-dime novels. Both of Comstock's books, Frauds Exposed and Traps for the Young resembled the half-dime novels that he deplored both in "blood and thunder" style and appearance. Containing detailed information on all forbidden adventures, they are addressed to parents as warnings. Villains are described as Satan's agents and Comstock is always the hero, coming to the rescue of the innocent.

Comstock founded the New York Society for the Suppression of Vice in 1872, and in 1873 he lobbied for amendment of the Post Office Act. Section 148 of this Act dealt with the offence of sending obscene material through the mails, and Comstock successfully pressed for a longer list of material qualifying as offensive, and for more severe penalties. This new version amended according to his wishes, became known as the Comstock Law.⁹⁵

Unlike the Society for the Suppression of Vice and its successor, the National Vigilance Association (1886) in Britain, Comstock did not limit his activities to the suppression of the sexually obscene. He believed that the

stories in the dime novels and story papers were the sole cause of juvenile delinquency. Comstock disregarded all possible social or psychological explanations, and in every case of delinquency mentioned with great diligence, he traced the deed back to popular juvenile literature. He believed all delinquents were "school boys crazed by the accursed blood and thunder story papers"⁹⁶ and set out to eradicate their harmful influences.

In the mid 1880's Comstock successfully prosecuted book dealers for selling criminal story papers and stories of bloodshed and crime. The society for the Suppression of Vice's Sixth Annual report deals in great length with the so-called "Boys Papers" which are attributed with making hardened criminals out of children, educating them in crime and filling the courts with "baby felons."⁹⁷

The Report observed:

Repeated instances have occurred within the last few years where boys have become brigands, and have banded themselves together with an oath of secrecy, to plunder and pillage, having a rendezvous in some cave, or deserted house, or some underground saloon.⁹⁸

and resolved that:

What the law does not reach, under the present administration, we have sought to reach and crush, by creating public sentiment against law breakers. Several of these vile papers have been stopped within the past year, and are no longer published. As a result, the Canadians have sent a solemn protest to our Post Office Department against sending the vile Police Gazette through the mails, across their lines. Western cities are legislating in their councils against it and will not permit it to be sold in their limits.⁹⁹

The Society's efforts to mobilize popular opinion were vigorous. Public meetings were organized throughout the United States and in Canada. Public addresses on "Evil

Reading, a source of Vice and Crime" were widespread. Out of these efforts, numerous states passed laws to control the criminal story papers, the Police Gazette and similar publications that tended to incite criminal behaviour.

This vigorous control over the products of the press diminished after Comstock's death but the Society for the Suppression of Vice, aided by laws prohibiting the exploitation of crime in publications secured further convictions. As of 1948 however, the U.S. supreme Court negated the "bloodshed" law that prohibited "papers discriminately made up of reports of crime, police reports, lust, etc." Thus, there were no longer any legal means to prevent crime and violent sensationalism. Since the Society for the Suppression of Vice there have been no widespread attempts to control this type of material backed by determined volunteer guardians of the public morality.¹⁰⁰

Canada has never had laws restricting violent content in popular literature. However, the Canadian Customs Act of 1907 broadly prohibited the importation of "immoral" "indecent," "treasonable" or "seditious" material and a list of prohibited publications was compiled.¹⁰¹ Many of those listed are American periodicals such as Illustrated Police News, Police Gazette, The Police News and others that are likely prohibited for "obscene" content. The list does not indicate which adjective applies to each publication or which section was considered objectionable. Since 1907 the prohibition has been listed for most of those in the list. Essentially, the Customs Act, and control over the importation of books, was the main source of censorship in Canada.

ENDNOTES

¹Frank Luther Mott, American Journalism (New York: MacMillan, 1962), p. 43.

²Ibid., p. 59.

³Ibid., p. 97.

⁴Ibid., p. 104.

⁵Ibid., p. 108.

⁶Ibid., p. 128.

⁷Ibid., pp. 159, 167

⁸Ibid., p. 22.

⁹Ibid., p. 233.

¹⁰Ibid., p. 237.

¹¹Ibid., p. 270.

¹²Ibid., p. 271.

¹³Ibid.

¹⁴Ibid., p. 309.

¹⁵Ibid., p. 308.

¹⁶Ibid., p. 386.

¹⁷Ibid., pp. 411-428.

¹⁸Ibid., p. 435.

¹⁹Ibid., p. 441.

²⁰Ibid., p. 481.

²¹Ibid., p. 512.

²²Ibid., p. 513.

²³Ibid.

²⁴Ibid., pp. 527-533.

²⁵Sydney Kobre, The Yellow Press and Gilded Age Journalism (Tallahassee, Florida: Florida State University Press, 1964), p. 73.

²⁶Ibid., p. 74.

²⁷Kobre, p. 74.

²⁸Mott, p. 522.

²⁹Ibid., p. 541.

³⁰Ibid.

³¹Ibid., p. 605.

³²John Tebbel, The Compact History of the American Newspaper, revised edition (New York: Hawthorn Books, Inc., 1969), pp. 209-217

³³Ibid., pp. 222-223.

³⁴Mott, p. 668.

³⁵Ibid., p. 670.

³⁶Ibid.

³⁷Ibid., p. 671.

³⁸Ibid.

³⁹I.P.I. Research Service, Press Councils and Press Codes, Fourth Edition (Zurich: I.P.I., 1966), p. 134.

⁴⁰Mott, p. 695.

⁴¹Ibid., p. 672.

⁴²Ibid., pp. 707, 742.

⁴³Ibid., p. 623.

⁴⁴Ibid., pp. 623-624.

⁴⁵Ibid., p. 624.

⁴⁶Ibid., p. 761.

⁴⁷Ibid., pp. 761-762.

⁴⁸Ibid., pp. 724. For example, in 1931 The Supreme Court ruled the Minnesota "Gag Law" unconstitutional. This law allowed state officials to suppress "malicious scandalous, and defamatory" publications as public nuisances. Chief Justice Hughes stated that the United States libel laws were adequate for redressing press abuses. This is the same as the ruling of the Canadian Supreme Court decision on Aberhart's "Gag Law" in 1936. (See page 134).

⁴⁹Terry Ann Knopf, "Sniping - a new pattern of violence?" in Stanley Cohen and Jack Young (eds.), The Manufacture of News (London: Constable, 1973), pp. 210-225.

⁵⁰Knopf, p. 222.

⁵¹F. James Davis, "Crime in Colorado Newspapers," in Stanley Cohen and Jack Young (eds.), The Manufacture of News pp. 127-135.

⁵²Herbert A. Otto, "Sex and Violence on the American Newsstand," in Otto N. Larsen Violence and the Mass Media (New York: Harper and Row, 1968).

⁵³Ibid., p. 89.

⁵⁴Current French Canadian tabloids such as Montreal Matin and Le Petit Journal give heavy emphasis to themes of violence and sex. For example, the front page story of the June 6-12, 1976 edition of Le Petit Journal was "Le Maniaque Sexuel au Chapeau de Pêche A Déjà Fait 60 Victimes," and in Catnach style contained a sketch of the likeness of the criminal and pictures of his victims and baffled police officials.

⁵⁵D. B. Davis, Homicide in American Fiction 1798-1860, (New York: Cornell University Press, 1957), pp. vii-viii.

⁵⁶Henry Irving Dodge, "The Continued Story," the New York Times, Jan. 30, 1921, as reproduced in David Manning White (ed.), Popular Culture (New York: Arno Press, 1975), p. 5.

⁵⁷Kenneth Lynn, "Violence in American Literature and Folk Lore," in Hugh Davis Graham and Ted Robert Gurr (eds.), A History of Violence in America (New York: Bantam Books, 1969, pp. 226-242.

⁵⁸Ibid., p. 227.

⁵⁹Dodge, p. 5.

⁶⁰Brian Denis, Murderers and other Friendly People (New York: McGraw-Hill, 1973), p. 91.

⁶¹Davis, pp. 70-82.

⁶²Ibid., p. 82.

⁶³Ibid., p. 87.

⁶⁴Ibid., p. 120.

⁶⁵Gershon Legman, Love and Death (New York: Hacker Art Books, 1963), p. 10.

⁶⁶Ibid., pp. 10-15.

⁶⁷Davis, p. 151.

⁶⁸Ibid., p. 148.

⁶⁹Ibid., p. 173.

⁷⁰Ibid., p. 164.

⁷¹Ibid., p. 161.

⁷²Ibid., p. 245.

⁷³Ibid., p. 272.

⁷⁴Ibid., p. 302.

⁷⁵Ibid., p. 306.

⁷⁶Ibid., p. 223.

⁷⁷see S. J. Woolf, "A Writer of Thrillers Talks of Crime," the New York Times, Nov. 10, 1929; Margery Allingham, "Mysterious Fun for Millions of Innocent Escapists," the New York Times, June 4, 1950; "Ian Fleming Created James Bond," the New York Times, Aug. 13, 1964; Ellery Queen (pseud.), "Bars Real Murder in Murder Stories," the New York Times, Jan. 16, 1933, all as reproduced in David Manning White, Popular Culture (New York: New York Times, 1974).

⁷⁸Both passages are taken from Margaret Dalziel, Popular Fiction A Hundred Years Ago (London: Cohen & West, 1957), p. 181. The first is from The Big Kill and the second from Kiss Me Deadly both by Spillane.

⁷⁹Jerry Palmer, "Mickey Spillane: a reading," in Stanley Cohen and Jack Young (eds.), The Manufacture of News, pp. 308, 309, 313.

⁸⁰Prince Phillip in Britain is a professed fan of Ian Fleming's James Bond novels and President Kennedy admitted one of his favourites was detective fiction. See "Ian Fleming Created James Bond."

⁸¹Queen

⁸²Mary Noel, Villains Galore, The Heyday of the Popular Story Weekly (New York: MacMillan Co., 1954), p. 28.

⁸³Ibid., p. 19.

⁸⁴Ibid., p. 32.

⁸⁵Ibid., p. 45.

⁸⁶Ibid., p. 102.

⁸⁷Tony Goldestone, The Pulp, Fifty Years of American Popular Culture (New York: Chelsea House, 1970).

⁸⁸Noel, p. 243.

⁸⁹Noel, pp. 157-158.

⁹⁰Frank Luther Mott, A History of American Magazines 1885-1905, Vol. 4 (Cambridge: Harvard University Press, 1957), pp. 112-119. The dime novel was called "degeneracy itself."

⁹¹Noel, pp. 300-302.

⁹²Legman, pp. 18-19. Legman notes that the section of the New York Penal Law which had once outlawed the "publication of pictures or stories of deeds of bloodshed, lust or crime" was negated by the Supreme Court in 1948. See the following section, Comstockery in America.

⁹³Robert Bremner (ed.), Traps for the Young by Anthony Comstock (Cambridge: Harvard University Press, 1967), p. vii.

⁹⁴Ibid., p. xi.

⁹⁵Anthony Comstock, Frauds Exposed (Montclair, New Jersey: Peterson Smith, 1969), chapters 23-30.

⁹⁶Bremner, p. xxiii.

⁹⁷Comstock, p. 437.

⁹⁸Ibid., p. 438.

⁹⁹Ibid., p. 439.

¹⁰⁰Morris Ernst, To The Pure . . . (New York: The Viking Press, 1928), *passim*.

¹⁰¹Ibid., pp. 297-302.

CHAPTER V

A BRIEF HISTORY OF CANADIAN PUBLICATIONS

The Canadian press, originating just over two hundred years ago, inherited journalistic traditions from both Britain and the United States and, in many respects, mirrors the evolution toward press freedom south of the border. Three significant factors, however, serve to distinguish Canadian press history from that of the United States. First, the introduction of the printing press into Canada trailed more than one hundred years behind its introduction south of the border; second, the tone of Canadian journalism has been generally more practical, moralistic, subdued, and less sensational than southern counterparts; and third, Canadian colonial governors tended in many cases to encourage the establishment of printing presses rather than outlaw or discourage them in the early years of printing. As to whether there has been more or less censorship of the press in Canada, there is considerable divergence of opinion. The divergence appears to be a function of whether the historian considers Canadian press history as a whole,¹ or, like W. H. Kesterton, the most notable among the very few historians devoting attention to the Canadian press, divides Canadian press history into stages each marked by a differing degree of press freedom.²

Printing began in Eastern Canada in 1752, and just one hundred years ago in the West and North. Printing made slow

progress across Canada due to the lack of transportation and communication routes required for the shipment of supplies and the collection of news. Until the later years of the eighteenth century, there was no internal postal service and, when first established, it was restricted to the Atlantic seaboard settlements. Further, settlements were small with few subscribers to support a newspaper. All these factors conspired to make printing a risky venture in Canada and thus, many of the first newspapers were shortlived.

Government patronage was almost a prerequisite of continued business and success. The printer became, in essence, the official King's Printer with contracts to print laws, proclamations, public notices, and speeches in addition to a small salary. At the same time, the King's Printer could do job-printing, issue a newspaper and issue any other products from his press. For numerous early newspapers, withdrawal of government contracts meant financial ruin and therefore provided the colonial government with a convenient and expedient, yet indirect, means of censorship. The case of Canada's first newspaper is a good example of indirect government control of the press.

The first Canadian press was established in Halifax in 1751 by two New Englanders, Bartholomew Green and John Bushell. From this press the first number of the Halifax Gazette was issued on March 23, 1752.³ The Gazette, a weekly, half-page, printed in two columns on both sides, was continued after 1761 with government patronage by Anthony Henry. Henry disapproved of the Stamp Act of 1765 and issued some numbers of the Gazette with "black rules and mourning borders,

or such devices as skull and cross-bones"⁴ instead of the required stamp to express his opposition. The government withdrew its subsidy and gave it to Henry's newly established rival and The Gazette ceased publication.

More direct means of government censorship also were exercised. John Ryan and William Lewis who established The Royal St. John's Gazette and Nova Scotia Intelligencer in 1783, were arrested and received stiff fines for printing criticisms of the provincial and municipal governments.⁵ John Howe, publisher of the Halifax Journal beginning in 1780, son of the famous American, Joseph Howe, and later to become Lieutenant-Governor of Nova Scotia, successfully defended himself against libel charges for condemning the police and magistrates in his paper.⁶ Fleury Mesplet, the first Montreal printer, was the only other publisher on record in this period to be jailed for printing material critical of colonial government. Mesplet was sent by Benjamin Franklin in 1775 to Montreal to print propaganda designed to persuade the inhabitants of Lower Canada to join the United States. When Mesplet arrived, American troops were withdrawing and, lacking finances to return home, the French printer remained in Montreal. Before 1777 most of Mesplet's printing consisted of religious tracts, devotionals, religious emblems and other material for the church. However, Mesplet printed an account by M. Saint Luc de la Corne of the author's shipwreck off Cape Breton in 1761. Although this particular publication had wide appeal, it was apparently exceptional in content for this period.

. . . such contemporary accounts of adventure are

extremely rare among early Canadian imprints. One looks in vain for tales of Indian captivity or narratives relating the exploits of fur traders. Such narratives, if written, never found their way into print.⁷

Mesplet established his Gazette du Commerce et Litteraire on June 3, 1778. It is described as "inoffensively dull and respectable," including essays, anecdotes, correspondence, verse, and advertisements. Valentin Jautard, the editor, began including attacks on local judges which Governor Haldimand reacted to by requiring all copy to be submitted to an official censor prior to publication for the duration of the American War. Jautard persisted in his attacks on the administration of justice in the absence of the censor and subsequently, Mesplet and Jautard were jailed in 1779. Escaping from prison in 1782, Mesplet returned to Montreal, leased back his confiscated press and started the Montreal Gazette: Gazette de Montréal along the same lines as the former Gazette du Commerce et Litteraire. The Montreal Gazette, though changing hands many times, continues to this day.

Canadian historian H. P. Gundy suggests that these cases of government censorship of the early Canadian press were the exception and not the rule. The Canadian press succeeded in performing a twofold function of publicizing government decisions and expressing public opinion. Gundy explains that Governor Haldimand's censorship of Gazette du Commerce et Litteraire and silencing of Mesplet and Jautard were necessary only for security reasons during wartime. Gundy describes the earliest Canadian printers as

. . . honest, law-abiding and patriotic, and if, at times, they appear to us to have been moralistic and

hortatory, they were genuinely concerned to raise the intellectual and cultural level of the colonial and pioneer society which they served.⁶

More typical of the relationship between printer and colonial government officials, Gundy suggests, are Louis Roy's Upper Canada Gazette or American Oracle (1793-1794), Stephen Miles' Kingston Gazette (1810-1818) and William Brown and Thomas Gilmore's Quebec Gazette (1764-1789). Lieutenant-Governor John Graves Simcoe, considering "a printer . . . indispensably necessary"⁹ for Upper Canada persuaded Roy to set up the first press in Upper Canada at Newark. Roy resigned after only a year and was succeeded by similar government printers first in Newark and then in York, the new capital. In addition to legislative acts, speeches and proclamations, all printers published a newspaper to act as an instrument of public opinion. Miles' Kingston Gazette was published independently of government support and contract. The Gazette, like most Canadian papers of the period, contained advertising, stale European news, extracts from American papers, government notices, familiar essays, correspondence and some local news. Unlike the American press, news of naval and land battles of the War of 1812 were inconspicuously displayed on the inside pages. Brown and Gilmore's Quebec Gazette, the second newspaper to be published in Canada, soon became a quasi-governmental organ by receiving salaries and printing contracts. However, this did not preclude the expression of anti-government sentiment in the pages of the Gazette and Brown himself denies ever being subject to censorship.¹⁰ Government and public service were successfully separated. For example, Brown and Gilmore

printed The Quebec Act for the government in 1774 while the pages of the Gazette expressed the widespread English dissatisfaction with the leniency of the Act.

In the first issue of the Quebec Gazette, Brown and Gilmore wrote:

Our intentions to please the Whole, without offence to any individual, will be better evinced by our practice than by writing volumes on this subject. This one thing we beg to be believed that PARTY PREJUDICE or PRIVATE SCANDAL, will never find a place in this PAPER.¹¹

In Canada, the first printing done in any community was usually a broadside style news sheet with multi-page newspapers, pamphlets and books coming later. News publications concentrated for the most part on providing information on the arrival of boats from England or Boston, the availability of supplies, and government decisions. Devoted to the practical, these publications rarely included the fictional or the sensational. Gundy's description of the products of the early Canadian press is apt,

No gems of literature issued from the early press. In pioneer times there was scant leisure for cultivating the literary graces. The products of the press served a practical purpose -- tracts for religious and educational use, legal compendia for officers of the law, government releases for public information, anti-government propaganda for the malcontents, almanacs for the common man. For recreational reading there was little but sermons on the one hand, accounts of public executions on the other.¹²

The early press was limited by its inability to procure news which would make its issues attractive and interesting. The Upper Canada Gazette, like many of its contemporaries, depending upon New York papers for their British and foreign news and ignored local news.

The whipping or branding of a criminal, according to the custom of those days, would be mentioned, but the

public meetings, although duly announced, received no attention, and there was no discussion of public movements.¹³

While Gundy asserts that the Canadian press has always been "free," W. H. Kesterton, in a more comprehensive study of Canadian journalism finds an evolution in both the struggle for, and the actualization of, the "freedom of the press" in Canada. Kesterton distinguishes four periods in this evolution, each with characteristic patterns of ownership, control and organization of the press.

In the first stage, 1752 to 1807, the press is a branch of the government for the most part and indirect censorship by government officials is widespread. Unlike the pioneer press in the United States, licensing of the press was not utilized as the means of control. Subservience of the Canadian pioneer press was ensured by a colonial government which held the financial reins and therefore dictated the success or ruin of each printer. The pioneer news sheets of the eastern provinces are described by Kesterton as:

pallid, neutral, harmless sheet[s] without any vital role in the social and political life of the community.¹⁴

Thus, from 1752 to 1807, the Canadian press was innocuous, accepting its subservient role under the authoritarian colonial government and avoiding comment on figures of authority and politics.

As the population and literacy increased, the press gained its independence, relying upon advertising and subscription fees rather than government patronage. Government censorship became dependent upon the levying of fines and the dispensing of jail sentences. Yet, by the mid-nineteenth century, even this indirect means of censorship had been

abandoned.

The second stage of the press, delineated by Kesterton as occupying the years from 1807 to 1858, was dominated by the entrepreneurial editor, independent of government and outspoken in political issues.¹⁵ The colonial government persisted in its attempts to control the press by means of jailings and stiff fines but as the press waged its war for responsible government and won, the major obstacles to press freedom were overcome in the process.

The paradox of nineteenth century journalism was that the government attempted to censure libel against its officials and policies, but was blind to the licentious treatment by the press of individuals outside the government.¹⁶ Codes of ethics developed by the industry in later periods finally corrected the problems caused by the proliferation of newspapers used as personal weapons of their editors. Kesterton describes the nineteenth century editor as "guilty of circumlocutions, discursiveness, sometimes pretentiousness and vituperative attacks on political opponents." While the press was winning freedom from government censorship, political partisanship of the editor determined what was fit to print.

While politics certainly dominated the newspapers from 1807 to 1858, this was by no means the extent of their content. A report of the Canadian Press Association is illuminating in this regard in an examination of the Toronto Globe's content:

It is a mistake to suppose the Globe owed its pre-eminence to its politics. It was due to its excellence as a purveyor of news. It recorded everything of public interest and did so promptly. There was a trial of a physician at Cobourg for murder. A reporter was sent who telegraphed his notes, which meant heavy cost. In collecting news the Globe far outdistanced the two other

papers [the Colonist and Leader], and even people who did not like its politics read it first.¹⁷

The first Canadian magazines inherited the pioneer newspaper penchant for serious and "uplift" material that Gundy noted but, translated into fiction, this formula failed. The magazine field in Canada during the nineteenth century was severely limited in sharp contrast to United States magazine publications. The majority of Canadian magazines were very serious ventures, solemn and intent upon meeting the literary needs of the nation. Most of these publications were short-lived. Subscribers rarely paid their fees and competition from British and U.S. magazines steadily increased. Most of the Canadian magazines were literary monthlies containing poetry, history, politics, and fiction primarily by native Canadian writers. Some of these were established expressly to combat the importation of "light literature" from the United States such as Barker's Canadian Magazine established in 1846 only to cease publication the following year.¹⁸

By the later years of the nineteenth century, Canadian journalism had divorced itself from the necessity of moral purpose. Canadian journalist Frederic Robson saluted this trend but was discouraged by the emerging theme in Canadian journalism which he described:

Newspapers are probably doing more good now through an intelligent supervision of news matter, from a knowledge of what the people want, than by preaching morality in every item of the police reporter. . . . The 'metropolitan idea' is emerging so that the news of the day is given without additional moral deductions. . . . In every town and village of Canada may be found two papers of opposing political views, and during elections the talk of their space and brains is taken up with stories of the enemy, which the writers well know are the output of misjudgment and childish nagging.¹⁹

Like its counterpart in the United States, the Canadian press of this period was a political tool in many cases, however, unlike the U.S. press, sensationalism was not exploited to a great extent. Robson describes Canadian journalism as the opposite of American "yellow journalism." Canadians merely recite the "bald fact " or catalogue events "that show humanity going off at a violent tangent." Robson does not favour "canary-coloured journalism" for Canada but urges that attention be given to impressionism and human interest, "--stuff that pulsates."²⁰

The third period in the evolution of the Canadian press (1858-1900) was characterized by the increase in strength and number of the Eastern press, and the pioneering of the press in the Western and Northern parts of Canada. The press moved west with the settlers attracted by the 1852 Pacific Gold Rush, the Homestead Act (1872), the expansion of the CPR in the 1880's and the 1897-1905 Dawson City Gold Rush. Meanwhile, in Eastern Canada, the daily newspaper began to increase in importance and in number in response to more favourable postal rates, a growing literate population and increased profits.

Most newspapers retained the flavour of violent political partisanship characteristic of the earlier period. Frequently interspersed with "objective" news reporting, libel was heaped upon political opponents and careless libel that would be in "contempt of court" today took the form of subjective comments upon the facts of a case before the courts. A typical account of a murder is found in the Yarmouth Tribune of August 25, 1875 which read:

A fearful murder was committed here last night. David Robbins, fifty five years of age, shot his wife, Emmeline Chute, beat out her brains with a mallet, set fire to her bed and fled to the woods. The community is in a great state of excitement. An officer, with a posse of men, went in pursuit today.

The murder was evidently premeditated . . . He has been ill-treating his wife for a long time. He was not given to drink but was an innate fiend.²¹

Lack of competition among newspapers in the earlier periods yielded an innocuous press, its issues, dull in appearance. Increased competition and technical innovations from 1858 to 1900 spurred the production of better looking papers. With the invention of the cross ruled screen in 1886, an efficient method of photo production was discovered to replace wood engraving and chalk plate methods.²² However, the new process was not widely adopted until well after 1900 because of a strong prejudice against pictures as sensational devices.²³

The first journalism organization, the Canadian Press Association, was established in Kingston, Ontario in 1859. The Association was "Canadian" in name only; until the second decade of the twentieth century it remained principally an Ontario organization. William Gillespy, editor-owner of the Hamilton Spectator was elected the first president. The CPA led a movement to abolish postage on newspapers, agitated for improvements in libel laws, fought newspaper combines, and paid considerable attention to elevating the tone of the Canadian press and improving the ethics of handling patent medicine advertising.

Advertising of questionable products under deceptive guises proliferated during the nineteenth century. Potentially harmful drugs were extolled, devices for procuring abortion

were offered for sale, and extravagant sales pitches were frequent. The CPA launched a campaign against this type of advertising in the early years of the twentieth century and succeeded in eliminating the worst offences. At the 1911 annual meeting an appeal was made to the publishers of Canada to eliminate "fake fraudulent and offensive" advertising from their pages.²⁴ The advertising manager of Burroughs Adding Machine Co. in Detroit claimed such advertising had a serious, detrimental effect upon subscribers' attitudes toward the newspaper carrying it. E. St. Elmo Lewis declared:

The fact is that the patent medicine advertiser, the graft mining advertiser and the faker generally is the shrewdest buyer of space. He tries to get into the most influential publications because he knows they have more to sell than the paper that has no influence.²⁵

At the 1912 Annual meeting, the CPA prepared a set of guidelines to aid publishers in editing advertising copy to which all members assented. The CPA's standards for censoring advertising went beyond the list prohibited under the Criminal Code of Canada and suggested a further list of objectionable and undesirable advertising which should not be accepted. Advertising was again a major source of concern at the CPA's 1913 Annual meeting where James Schermerhorn, publisher of the Detroit Times presented an address entitled, "Who makes fraudulent advertising effective?" Schermerhorn believed that the developing of the CPA's advertising code and other moves by the industry signalled an end to a "cycle of excessive commercialism" and continued:

The challenge of the present day to the aspiring and resourceful is not to make a great fortune but to get it without stain. That the publication of indecent and deceptive advertising is unworthy of a noble profession is no longer debatable. Who makes advertising deception

effective? Who but the publisher. Let me assure you that a daily newspaper launched and developed along the line of ethical policy I have been discussing is both possible and workable. Also that it is quite as simple to determine without delay whether an advertisement is desirable as it is to ascertain whether the advertiser's credit is good or whether a piece of news is an offence against a citizen's good name.²⁶

During the last years of the nineteenth century, Canadian libel laws were revised. The Criminal Code of Canada of 1892 repealed the 1865 libel Act to furnish the core of present criminal law provisions. In addition, each of the provinces passed legislation to deal with newspapers and libel within their borders. Ontario passed its Libel Act in 1882; it was revised in 1897, and now is incorporated in the Revised Statutes of 1970. The new statutes provided a higher degree of certainty within the industry and contributed significantly to increasing responsibility of the press to its public.²⁷

Characteristic of the fourth press period were concerns of excessive commercialism and press partisanship. Kesterton notes that changes in the press during the twentieth century were qualitative rather than quantitative. It was the period of centralization and consolidation leading to the development of the one newspaper town. Today, there are fewer newspapers than existed in 1903 and since the Davey Report, Canadians have become aware of the dangers inherent in the phenomenon of press centralization. Yet, Kesterton notes that a reduction in the number of newspapers has actually contributed to qualitative improvement of those that have survived.

An accidental benefit to a situation lacking the cut throat competition of local daily against local daily is that it discourages the practice of sensationalizing the news in order to gain readers. The frantic "beat" and meretricious "scoop" have become far less frequent now that the single newspaper city has become commonplace.

The result has been to make journalism more responsible.²⁸ However, reduction of sensationalism was not entirely by chance. The CPA denounced the "yellow journalism" predominant in the United States in the early years of the twentieth century and its members were expected to refrain from such "irresponsible" practices. Press partisanship and commercialism received considerable attention at the Association's annual meetings. In 1910, Colonel Watterson, editor of the Courier Journal of Louisville, Kentucky and "the last great personal editor on the American continent" addressed the CPA. Watterson noted a transition from personal to impersonal journalism and expressed the prevailing hope that sensationalism would be abandoned under the new circumstances.

The old order of personal journalism, with its ideas of individual responsibility, often mere egotism and vanity, has passed away. The new order of impersonal journalism, with its ideas of commercial honour and of public obligation, has not quite adjusted itself as yet to its enlarged habitation and richer apparel.

We hear a deal about yellow journalism. It is much like the pot calling the kettle black. Offences against decency are more or less relative and qualified. More and more will newspaper owners and makers discover that integrity and cleanliness pay the best dividends. The scandalmonger will in time be relegated to the category of the unprosperous as well as the disreputable and the detective be driven out of the newspaper service, where he should have no place, to the company of the police where he alone belongs.

The rationale of the day's doings rendered with good sense and in good faith by a self-respecting, conscientious writer, will always command attention and be worth its space; and as this is done with power or charm will it rank in drawing and selling with the news features. Success may be obtained without it, but not distinction and influence.²⁹

Two years later, at the 1912 Annual Meeting, John R. Bone, president-elect of the Toronto Daily Star attempted to deal with some of the criticisms levelled at the Canadian newspapers. Bone regarded the charges of press sensationalism

in Canada to be ill-founded unless there was something "inherently evil about black type" itself. Very little that could be classified as "untruthful" and "indecent" sensationalism could be found in Canada, Bone asserted. However, the Canadian press was guilty to some extent of inaccuracy which tended to undermine public confidence and was "almost as dangerous as deliberate faking" of news. Bone also considered press partisanship a serious problem emerging within the newspaper industry:

There is here, of course, a serious danger, a danger that is greater now than ever before on account of the increased capital required to finance a newspaper. It is a serious consideration because I think it is axiomatic that no newspaper can rise higher than its proprietor, and the salvation of our press depends on its control remaining in the hands of high-minded, public-spirited citizens. . . . No newspaper can have any lasting influence unless it is permeated with absolute sincerity. It is easier for a newspaper to lead a double life than it is for an individual.³⁰

While the "venomous scurrility" of personal attacks caused by press partisanship and press sensationalism have lost their dominant role in modern newspapers, newspapers are now widely criticized for their generally innocuous and inoffensive character and their failure to take a stand on vital public issues. Robert Fulford, while Book Editor of the Toronto Daily Star, described Canadian newspapers as "Victorian product[s], turned out in a modern setting" and suggested:

. . . if a foreigner, never having visited Canada were to spend a few weeks reading all of our papers, he would emerge with a picture of a country which is dull, smug, and provincial. This is not the Canada that I know; but it is the Canada which our press reflects. My own observation is that there is no Canadian community which is as dull as the newspapers it reads. In general, I believe, English Canadian newspapers follow rather than lead their readers. . . . One of the central reasons for this is the built-in bias of the press . . . in favour of authority.³¹

Numerous critics are of the opinion that the pioneer subservience to authority and the political party bias of the second and third press periods has been replaced by a "free press" which remains equally ineffective and considerably more innocuous.

Content of the twentieth century Canadian press is considered less sensational than American counterparts. D. L. B. Hamlin, considering the relationship between the press and its public, concludes:

We seem to feel, in a typically Canadian fashion, that our papers should be better than they are. But in the same breath we congratulate ourselves that they are not as bad as the worst examples of yellow journalism in other countries, usually the United States.³²

In support, Kesterton has noted a unique trend whereby there is a high correlation between nearness of a disaster, calamity or act of violence and the prominence and space devoted to its report in Canadian newspapers. Likewise, such news which directly affects or concerns its readers is emphasized above news of merely human interest value. Thus, between 1901 and 1914, the Quebec bridge collapse, the Regina cyclone, the sinking of the Titanic and the assassination of Archduke Ferdinand received more press coverage than did violent Negro lynchings, and the exploits of Jack the Ripper and Buffalo Bill.³³

Between 1914 and 1918, events of the war dominated press content. War reports spared little detail in recording the horrifying and intense violence. While the newspapers reported on violence, they were also the central figures in violent incidents initiated by the divisive conscription issue. French-Canadian papers threatened either secession

or revolution, mobs dynamited newspaper offices and stoned their windows.

The twenties, often described as "the carefree age," was the decade of rum-running and gang warfare and the newspapers recorded "the wave of crime and outlawry which is sweeping over the American continent, particularly in the United States."³⁴

Many events were sensational rather than of long-term consequence. The Black Sox baseball fix, the murder of Bobby Franks by Loeb and Leopold, the Teapot Dome scandal, the Hall-Mills murder trial, the lynching of American negroes, the activities of the Ku Klux Klan, the prolonged ordeal of Sacco and Vanzetti before their execution in 1927, the ruthless lawlessness of Al Capone, the St. Valentine's Day massacre, and Sing Sing electric chair deaths of Mrs. Ruth Snyder and Judd Gray, were discreditable American events reported in Canadian newspapers. Some comparable Canadian stories given coverage were the assassination of Peter Veregin, the disappearance of Ambrose Small, the failure of the Home Bank, the murderous career and execution of the Winnipeg Strangler, and the "I'm Alone" affair.³⁵

During the 1930's, crime and violence were characteristically represented in the Canadian press:

The kidnapping of the Lindbergh baby, the trial and execution of Bruno Richard Hauptmann, the death of John Dillinger, the plane crash deaths of Will Rogers, Wiley Post and Knute Rockne, the crash of the Hindenburg and R101, the manhunt for the "Mad Trapper" of the Canadian North, the imprisonment of Al Capone, the Ace Bailey hockey injury, the assassinations of Huey Long, Mayor Cermak of Chicago, the prime minister of Japan, the president of Peru, Chancellor Dolfuss of Austria, King Alexander of Yugoslavia and Finance Minister Barthou of France, the misdeeds of Mayor James Walker of New York City, the Morro Castle and Moose River Mine disasters, the kidnapping of John Labatt, and the parole and violent death of Red Ryan, were startling events of the decade.

But the events that pointed the way most clearly to a new era in world history took place outside of North America. Such events were recorded by the world press, including that of Canada. They included the Sino-Japanese War, Allied evacuation of the Rhineland, Oxford Group activities, the rise of the Nazi party, the death of Hindenburg and Hitler's ascent to power, Mussolini's invasion of Ethiopia, the Spanish Civil War, Hitler's

seizure of Austria, the Polish Corridor dispute, and the Munich Pact which was supposed to guarantee "peace in our time."³⁶

Again during the Second World War, press accounts of violence were provided in graphic detail. The newspapers, now with more efficient newsgathering services, "recorded the battles and campaigns in overwhelming detail."³⁷

1940 has been set as the date from which serious treatment of the news definitely began to dominate over the sensational in both Canada and the United States. However, Stuart Keate, publisher of the Victoria Daily Times notes that the Canadian press is accused of sensational tactics even today; an accusation which he disputes:

To those who cry sensationalism in the press, I would suggest that there are more bodies strewn around in one hour of "The Untouchables" than you'll find in a week's newspapers. It has been estimated that television is 85% entertainment and 15% information, newspapers just the reverse.³⁸

Keate considers the most serious pressure exerted on the press to be the threat of censorship. Except during wartime, Canada has enjoyed a large degree of press freedom during the twentieth century. In times of peace, attempts to control the content of the press have emanated primarily from local groups or provincial governments with a vigilant press and the federal government successfully defeating content controls.

Two major incidents of attempted press censorship stand out in Canadian history in which provincial legislation, seeking to muzzle the press have been overcome by a nationally united press effort and federal government sympathies. Less often, and on a much smaller scale, moralists have assaulted

the press in their earnest belief that they are helping society by suppressing the unpleasant truth reported by the press.³⁹

The government of Alberta sought to muzzle the press when, in 1935, William Aberhart's Social Credit party succeeded the United Farmers and formed the provincial government of Alberta. Official parliamentary opposition was virtually non-existent, and for this reason, the press adopted the critical role. Constant criticism of Aberhart and his economic policies provoked the premier into introducing "An Act to Ensure the Publication of Accurate News and Information" which came to be called the "gag law." Aberhart professed the Act would "restore Freedom [of the press] from the clutches of financial and political organizations." Under J. Imrie of the Edmonton Journal, the press united to fight the bill and the CPA and the CDNA lent support. Even government opposition was strong. Lieutenant Governor, J. C. Bowen, refused to assent to the bill and the federal government referred Aberhart's legislation to the Supreme Court of Canada for a constitutionality ruling. When the Supreme Court declared the bill to be ultra vires, Aberhart appealed to the Judicial Committee of the Privy Council. The Privy Council decision upheld that of the Chief Justice Davis who wrote:

The statute (British North America Act) contemplates a parliament working under the influence of public opinion and public discussion. There can be no controversy that such institutions derive their efficacy from the free public discussion of affairs, from criticism and answer and counter-criticism, from attack upon policy and administration and defence and counter-attack; from the freest and fullest analysis and examination from every point of view of political proposals. . . . The right of

public discussion is, of course, subject to legal restrictions; those based upon considerations of decency and public order, and others conceived for the protection of various private and public interests with which, for example, the laws of defamation and sedition are concerned. In a word, freedom of discussion means, to quote the words of Lord Wright in *James v Commonwealth* (1936 A.C. at p. 627), 'freedom governed by law.' Even within its legal limits, it is liable to abuse and grave abuse, and such abuse is constantly exemplified before our eyes; but it is axiomatic that the practice of this right of free public discussion of public affairs, notwithstanding its incidental mischiefs, is the breath of life for parliamentary institutions.⁴⁰

While Aberhart's case was in the Supreme Court, a libel case seemed to prove that existing Canadian laws were adequate protection against public abuse without Aberhart's new legislation. Two Social Creditors, G. F. Powell and J. L. Unwin, produced and distributed a pamphlet entitled "Bankers' Toadies" containing the following statement:

my child, you should never say hard or unkind things
about Bankers' Toadies. God made Bankers' Toadies, just
as he made snakes, slugs, snails and other creepy-crawly,
treacherous and poisonous things. Nevertheless, abuse
them -- just exterminate them,
and to prevent all evasion
Demand the Result you want
\$25.00 a month
and a lower cost to live.⁴¹

On the opposite side of the pamphlet was printed the names of nine prominent Edmonton businessmen. Powell and Unwin were charged with counselling to murder, seditious libel and defamatory libel. Only the last charge held and the former offender was sentenced to six months in jail and then deportation while the latter received three months imprisonment.

The second attempt to muzzle the press originated during the "red scare" following World War I but culminated in the Padlock Law in Quebec under the Duplessis government. Following the Winnipeg strike of 1919, Arthur Meighen's conservative

government passed section 98 of the Criminal Code which provided severe penalties for persons convicted of sedition, publication of seditious material and unlawful association. This section was invoked several times against suspected communists between 1930 and 1935 but was highly unpopular legislation and was repealed when the Liberal government came to power in 1936.

Premier Duplessis of Quebec, believing the repeal of section 98 left Canada exposed to the dangerous menace of communism, designed "An Act to Protect the Province against Communist Propaganda." The Act gave the Quebec Attorney-General power to close down any establishment suspected of harbouring communist activities and made it illegal to publish, or distribute "any newspaper, pamphlet, circular, document, or writing whatsoever propagating or tending to propagate communism or bolshevism."⁴² Honourable T. J. Coonan, minister without portfolio of the Duplessis government, stated the law was designed to deal with "thousands and thousands of people who are communists without being aware of it."⁴³ The Padlock Law gave the provincial government the authority to declare persons as communists or bolsheviks and the attorney general, who happened to be Duplessis, became "policeman, prosecutor, judge, sheriff and hangman."⁴⁴ Between 1936 and 1939, the Act was invoked thirteen times and with Duplessis' return to power, it was invoked again in 1944, 1948, and 1950. Finally in 1957 the Supreme Court of Canada ruled it unconstitutional.

Today, laws dealing with the press are those of defamatory libel, contempt of court, obscenity, blasphemy, sedition and the Defense of Canada Regulations under the War

Measures Act. The laws of libel, designed to protect the citizen from abuse by the press and those dealing with contempt of court, designed to ensure fair trials for those before the courts, are the most widely used today. Prohibitions against violence are included under obscenity regulations. An obscene publication is "any publication, a dominant characteristic of which is undue exploitation of sex or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence." In addition, Tariff Regulation 1201 bars "treasonable or seditious or indecent literature" from entry into Canada. Under "indecent" falls any publications excessively dealing with crime, horror, cruelty and violence. On the whole, there have been few cases of rigid application of the obscenity laws in Canada because of the vagueness of definition of the prohibited literature.⁴⁵ Likewise, regulations dealing with blasphemy and sedition have laid dormant.

Under wartime conditions, restraints on the "freedom of the press" in Canada, as in most countries, has been stronger, more arbitrary and authoritarian. Prior to the First World War, the inefficiency of communications facilities were effective in themselves in guarding military secrets. Since World War I, censorship machinery has evolved from a voluntary, self-imposed system to a highly coordinated government imposed one.

During the First World War, Lieutenant Colonel Ernest Chambers, Chief Press Censor of Canada and a small staff of newspaper men worked on amicable terms with editors and publishers, suggesting information useful to the enemy, threatening security of the armed forces and the security of

the Canadian people which should not be published. Although Orders-in-Council authorized the Postmaster General to prohibit newspapers from the mails (Nov. 16, 1914), made it a crime to import or publish or possess newspapers in foreign languages (Oct. 1, 1918), and a regulation of June 10, 1915 made press censorship compulsory and allowed for the search of any printing house by government officials, each editor, in a sense, was his own censor, the official censor acting largely in an advisory capacity; the powers outlined in the regulations were never exercised.⁴⁶

When the Second World War broke out, censorship was again, in theory, self-imposed but Gillis Purcell, in an exhaustive analysis of wartime press censorship, calls "voluntary censorship" deceptive.

It is a gracious gesture to the press and it is comforting to the public to feel that in this freedom-loving democracy editors are their own censors, but it is all a sham and a delusion. The press can and does at times influence the judgment of the censors in situations that are free from political repercussions, but the moment the political fortunes of a government are imperilled, the censor no longer sits in the saddle; it is the government that rides. It will be so with any government in any circumstances if the exigency is sufficiently urgent.⁴⁷

The Defense of Canada Regulations were invoked on September 3, 1939 and were derived from the authority of the War Measures Act. This remains the sole legal tool of censorship during emergencies today. Regulations provided for fines, imprisonment and printing suspension as penalties for the publication of news or comment considered dangerous and not cleared by a censor prior to printing. Penalties were only invoked through court action however. Although Regulation 15 gave the Secretary of State powers of prior censorship, these were

never used.

War time censorship caused considerable concern among newspaper editors and the CDNA⁴⁸ appointed The Freedom of the Press Committee in 1944 to discuss various aspects of the subject. A primary objective of the Committee was to secure an amendment to the British North America Act which would guarantee press freedom.⁴⁹ Prime Minister King expressed his opinion that no formal guarantee was necessary for the maintenance of press freedom in Canada since freedom was strongly embedded. The Committee persisted in its proposals of amendment, pointing out a number of instances to support its contention that the press was not as secure as it appeared on the surface. When the House of Commons Select Committee on Human Rights was set up in 1948, the CDNA prepared a detailed brief for presentation to prove the need for a statutory guarantee of freedom of the press. The CDNA was particularly concerned with "the probability that despotic regulation of the medium of radio might ultimately extend to the sphere of the press."⁵⁰ Despite wide circulation of its brief and its energetic determination, the CDNA did not succeed in securing a formal guarantee of press freedom in Canada.

In reaction to the Davey Committee's detailed analysis of the Canadian press, the editor of the Ottawa Journal, Norman Smith expressed the current view of the appropriate relationship between the press and the government:

The public has a right to take a good hard look at the press from time to time. But I am convinced that governments should leave the running of the press to the press. If some of us are making more money than is good for us, tax us. If we gang up or monopolize against the public interest, crack down. If we are seditious or libellous

or otherwise unlawful, hale us into court. But as to what we put in our papers -- good, bad, indecent, or incomplete -- let the public be the judge. Men of politics shouldn't shape the press. Not if it is to be free.⁵¹

A Note on Canadian Fiction: Survival

Canadian fiction has not generally been considered a violent fiction and thus, attempts to control violent content have been restricted, for the most part, to the duties of customs officials, barring the importation of United States products. Margaret Atwood's thematic analysis of Canadian literature, entitled Survival, prompts a re-examination of Canadian literature. She suggests that violence is as dominant in Canadian as in American literature, though the nature of the violence is quite different. While violence in American fiction is that of man against man, Canadians draw their murder weapons from nature in the form of snow, water or "death by bushing."⁵² Death at the hands of nature is not natural or accidental death as it is portrayed in Canadian literature, but there is something in nature which actually kills the individual, says Atwood.⁵³ E. J. Pratt's treatment of the sinking of the Titanic, causing the drowning deaths of most of its passengers is a typical Canadian nature killing.

Even Canadian animal stories are tragic in comparison to U.S. examples. American animal stories usually celebrate the trapping of an animal and are told from the hunter's viewpoint while Canadian authors write from the animal's point of view. Margaret Atwood relates her childhood reactions to Canadian animal stories as more emotionally upsetting than

American horror comics of the forties because the Canadian products were truer to reality.

. . . after hours we read stacks of Captain Marvel, Plastic Man and Batman comic books, an activity delightfully enhanced by the disapproval of our elders. However, someone had given us Charles G. D. Roberts' Kings in Exile for Christmas, and I snivelled my way quickly through these heart-wrenching stories of animals caged, trapped and tormented. That was followed by Ernest Thompson Seton's Wild Animals I Have Known, if anything more upsetting because the animals were more actual -- they lived in forests, not circuses -- and their deaths more mundane: the deaths, not of tigers, but of rabbits. . . . I was just learning what to expect: in comic books and things like Alice in Wonderland or Conan Doyle's The Lost World, you got rescued or you returned from the world of dangers to a cozy safe domestic one; in Seton and Roberts, because the world of dangers was the same as the real world, you didn't. But when in high school I encountered -- again as a Christmas present -- something labelled more explicitly as Canadian Literature, the Robert Weaver and Helen James anthology, Canadian Short Stories, I wasn't surprised. There they were again, those animals on the run, most of them in human clothing this time, and those humans up against it; here was the slight mistake that led to disaster, here was the fatal accident; this was a world of frozen corpses, dead gophers, snow, dead children, and the ever-present feeling of menace, not from an enemy set over against you but from everything surrounding you. The familiar peril lurked behind every bush, and I knew the names of the bushes.⁵⁴

David Bakan, professor of psychology at York University confirms Margaret Atwood's impressions on the effect of cruelty in animal stories when he writes:

Because of the child's sense of being victimized and because of his identification with animals, the purveyors of fictional materials for consumption by children have a cardinal rule not to show an animal being killed. It horrifies children too much, for it comes too close to the real condition in their minds. Thus, it is perfectly all right, for example, to show battle scenes with human beings being slaughtered by the hundreds and by the thousands. It is perfectly all right to show children scenes of men being mutilated, tortured, shot, and killed. But one dare not show the slaughter of a pig in an abattoir. The latter has a realism for the child that cannot easily be defended against. The normal repressive mechanisms are simply inadequate to cope with it.⁵⁵

Apart from animal stories, other Canadian fiction can be emotionally upsetting in its pessimism and mood of anxiety.

Margaret Atwood writes:

Our stories are likely to be tales not of those who made it but of those who made it back, from the awful experience -- the North, the snow storm, the sinking ship -- that killed everyone else. The survivor has no triumph or victory but the fact of his survival; he has little after his ordeal that he did not have before except gratitude for having escaped with his life.⁵⁶

Canadians, and to a greater extent, French Canadians, hold a marked preference for the negative, for expressions of pessimism and an "almost intolerable anxiety" which Atwood attributed to a reflection of the Canadian struggle for national survival and the Quebecois struggle against cultural extinction. French Canadian preference for saints and martyrs at the moment of their suffering and mutilation, she asserts, is a definite fictional reflection of the French Canadian struggle for survival.⁵⁷

Margaret Atwood is primarily concerned with illustrating that there is a unique Canadian identity revolving around the symbol of survival and which is reflected unmistakably in our literature. Though it may be reassuring that she found a unique Canadian identity and literature, the abundance of pessimism, death, cruelty and violence, comparable to that in American literature is disheartening. While the American individualist is portrayed as successful in his fight for survival, the Canadian fights determinedly, but ultimately loses. Though the setting, characters and outcome are different, the violence of the struggle is essentially the same.

ENDNOTES

¹H. P. Gundy, Early Printers and Printing in the Canadas, (Toronto: Bibliographical Society of Canada, 1964). Gundy considers the period from 1752 to 1857 as a whole, whereas Kesterton divides this period at 1807. In the second part, there is much less censorship imposed by the colonial government and considerably less subservience on the part of the press. It is examples primarily from 1807 and onward which Gundy cites to illustrate the remarkable degree of pioneer press freedom.

²W. H. Kesterton, A History of Journalism in Canada (Toronto: McClelland and Stewart, 1967), see note above.

³Bertha Bassam, The First Printers and Newspapers in Canada, University of Toronto School of Library Science Monograph Series in Librarianship, No. 1 (Toronto: University of Toronto Press, 1968), p. 3.

⁴Ibid., p. 6.

⁵Ibid.

⁶Ibid., p. 5; Kesterton, p. 12. Kesterton considers Howe's victory in the courts as the prototype of the second period of Canadian journalism (1807-1857), illustrating the growing independence of the Canadian press.

⁷Gundy, pp. 15-16.

⁸Ibid., p. 30.

⁹Ibid., p. 19.

¹⁰Ibid., p. 30.

¹¹Bassam, p. 9.

¹²Gundy, p. 31.

¹³The Canadian Press Association, A History of Canadian Journalism 1859-1908 (Toronto: Canadian Press Association, 1908), p. 164.

¹⁴Kesterton, p. 16.

¹⁵Ibid., pp. 11-23.

¹⁶Ibid., p. 23.

¹⁷The Canadian Press Association, p. 176.

¹⁸Arthur H. U. Coloquhon, "A Century of Canadian Magazines," Canadian Magazine, Vol. 17 (1901), pp. 141-149.

¹⁹Frederic Robson, "Canadian Journalism," Canadian Magazine, Vol. 32 (1909), pp. 434-440, p. 435.

²⁰Ibid., p. 439.

²¹Kesterton, p. 48.

²²Ibid., p. 50.

²³Ibid., p. 54.

²⁴Ibid., p. 56.

²⁵W. A. Craick, A History of Canadian Journalism II, The Last Years of the Canadian Press Association 1908-1919 With a Continuing Record of the Canadian Daily Newspaper Publishers' Association 1919-1959 (Toronto: Ontario Publishing Co., 1959), p. 56.

²⁶Ibid., p. 98.

²⁷Kesterton, p. 61.

²⁸Ibid., p. 76.

²⁹Craick, p. 38.

³⁰Ibid., p. 58.

³¹Robert Fulford, "The Press in the Community," in D. L. B. Hamlin (ed.), The Press and the Public, The Canadian Institute on Public Affairs Eighth Winter Conference (Toronto: University of Toronto Press, 1962), pp. 23-34.

³²Hamlin, p. 3.

³³Kesterton, p. 182.

³⁴Ibid., p. 194.

³⁵Ibid., pp. 184-185.

³⁶Ibid., p. 199.

³⁷Ibid., p. 202.

³⁸Stuart Keate, "Pressures on the Press," in Hamlin (ed.), The Press and the Public, p. 17.

³⁹Ibid., p. 18.

⁴⁰M. E. Nichols, The Story of the Canadian Press (Toronto: Ryerson Press, 1948), p. 221.

⁴¹Kesterton, p. 231.

⁴²Ibid., p. 235.

⁴³Ibid., p. 236.

⁴⁴Ibid.

⁴⁵Ibid., p. 243.

⁴⁶Nichols, p. 250.

⁴⁷Ibid., p. 256.

⁴⁸In 1919 The Canadian Press Association split up into more specialized groups according to type of publication and specialized function within the industry. The Canadian Daily Newspaper Publishers' Association was one group emerging from the split but retained most of the basic functions of the original CPA within the sphere of the daily newspaper industry.

⁴⁹Ibid., p. 240.

⁵⁰Nicholas, p. 251.

⁵¹Norman Smith, "Press/people, freedom," in Dick Macdonald (ed), The Media Game (Montreal: Content Publishing, 1972), pp. 209-210.

⁵²Margaret Atwood, Survival, A Thematic Guide to Canadian Literature (Toronto: Anansi, 1972), p. 55.

⁵³Ibid., p. 54.

⁵⁴Ibid., pp. 29, 30.

⁵⁵David Bakan, Slaughter of the Innocents, A Study of the Battered Child Phenomenon (Boston: Beacon Press, 1971), p. 72.

⁵⁶Atwood, p. 33.

⁵⁷Ibid., pp. 217-218.

CHAPTER VI

THE CONTROL OF RADIO

The Nature of Wireless Communication

Throughout history it has generally been accepted that the degree of "communal civilization and enlightenment" has correlated with the recognition or advocacy of freedom of speech. Conversely, in periods of "ignorance and oppression," such freedom was conspicuously absent.¹ With the advent of radio in the early twentieth century, society was forced to re-examine and redefine such concepts as "censorship," "regulation," and even "copyright."² The idealistic proponents of absolute freedom of radio speech were countered by others who more correctly saw the immense difficulties in achieving open access to the airwaves. B. K. Sandwell, noted Canadian media watcher and practitioner, metaphorically contrasted easily accessible soapboxes in Hyde Park and the restricted number of radio spaces available for public addresses. In radio, he noted, "the pitches are limited"—for the number of opportune spaces where barkers could pitch and listeners could hear would be exceeded by the numbers of willing pitchers.³

Very soon after its invention and adoption, it was clear that the very nature of the radio medium demanded an unprecedented form of regulation to control usage of the radio airwaves, for over-crowding meant interference and in fact negated the new possibilities which the novel form of

"communication" offered. It was only after a long series of international conferences had established and ratified a satisfactory system of wavelength assignments, that attention could be shifted to a concern with content rather than the physical problems of the medium. (As an example, in the late 1930's, Canada and the U.S. were still trying to come to a satisfactory arrangement regarding the allocation of wavelengths.) In the end, each country was forced to create its own regulatory system, and as a result, Canada, Great Britain and the United States evolved systems compatible with their own philosophies concerning the importance of the medium in relation to the nature of each country as a whole. Britain opted for total governmental control, the United States, after much debate, decided on a purely commercial system, while Canada, as expected, eventually had both private and public systems.

Control of the Ether⁴

The Marconi International Marine Communications Company was created in 1900 to establish wireless stations along trade routes. Ships were started by Marconi operators instructed to refuse communication with users of other patents. "This dog-in-the-manger policy was the first gesture in a wireless war, a precursor of a virtual state of anarchy to which that means of communication came within a decade."⁵

With no international regulations as to wireless use, radio operators treated the medium as a new toy—no operator admitted precedence to another and liners were especially contemptuous of freighters' rights to communicate. When not

transmitting or receiving legitimate messages, operators chattered, gossiped, feuded and quarrelled in Morse Code, frequently disrupting other opportunities for message exchange. To "choke" such irresponsibility, operators would "throw a book on the key" setting up a continuous roar and halting all communication within range. Such manoeuvres were consequently "filling the air at times with curses, aspersions and choice obscenities."⁶

With so much technical and human interference, wireless service was far below an efficient standard. In 1903, the first International Wireless Conference congregated and problem issues were discussed, though no action was taken. Further meetings ensued, and in 1908 the long recognized need for organization in the ether was at last realized, albeit in small measure, by the ratification of an international distress signal—"S.O.S."⁷ Technical improvements were constantly being developed in laboratories all over the world as interest widened and transmissible distance grew.

While Marconi concentrated on increasing distance, Reginald Aubrey Fessenden (born in Canada, though of old New England Puritan ancestry) succeeded in adding music and voice to the dot and dash of the 1906 wireless ether. Lee de Forest also pursued broadcasting beyond "sweet melody," and it was his experiments which provided the bond:

for a growing brotherhood, scattered far and wide, that already numbered thousands; a host of experimenters, of every age and status; of listeners who didn't merely listen but communicated feverishly with each other . . . boys—and men—were constantly filing down nickels to make coherers, or winding wires around round objects—broken baseball bats or, later on, Quaker oats boxes.⁸

These amateurs added considerably to the content of the

airwaves. The broadcasting historian, Erik Barnouw, quoted Stanley R. Manning reminiscing about the first receiver he built in 1909, which interfered with attempts of the Brooklyn Navy Yard to communicate with ships at sea:

They wanted me to lay off when they were on the air. I wasn't perturbed about it because there weren't any laws, rules or regulations in those days. All they could do was ask me to be careful about it, which naturally I was, too.⁹

Another chronicler of radio's early days, Alvin Harlow, seems to have been less enthusiastic about amateur infatuation with wireless:

The amateurs in America provided an even worse problem than warring companies . . . Radio magazines were springing into being everywhere and they, the popular science magazines and the newspapers were crammed with articles and diagrams telling how to build home radio sending and receiving sets, including aërials for both. Clumsy, grotesque towers began thrusting up into the air, the owners began expressing their egos and having no end of fun. There might be dozens of stations, amateur and professional within a thickly populated area, all using the same or nearly the same wavelength, and chaos was but a feeble word for the situation.¹⁰

He even cites such instances of amateur chicanery as sending false orders and distress signals to naval vessels.

At hearings held by a U.S. Congressional committee in 1912, the amateurs countered Navy complaints of amateur interference with transcripts of conversations between officers or officers and women exposing cheap gossip, intrigue, assignations, and amatory trivia which caused the Navy much embarrassment. This rather feeble ploy of humiliation failed, for as Harlow notes, "the amateurs lost. Again, as in the case of movie censorship and prohibition, unbridled liberty had become licence and slain itself."¹¹

In response to "widespread public demand," the U.S.

federal government "hesitatingly" passed an act in 1912 which authorized the Secretary of Commerce and Labor to issue licences to stations engaging in interstate or foreign communication and prohibited unlicensed operators or stations from communication by radio.¹² The amateurs were angered by these restrictions, but in practise the law introduced only minor restraints. The U.S. Attorney-General claimed the Secretary of Commerce could not refuse a licence to an applicant and, while the allocation of wavelengths was part of the post, there was apparently some doubt as to enforcement. It was not until February, 1923 that a U.S. Court of Appeals affirmed the Secretary's powers to designate a station's wavelength. Approximately 1,000 existing transmitters were licensed immediately, and, despite the original amateur cries of doom for their hobby, the numbers of licences issued continued to rise.¹³

Great Britain had taken this first step at wireless control through licensing eight years before, with its Wireless Telegraphy Act which required all transmitters and receivers of wireless signals to be licensed by the Post Office. In Canada, the Department of Marine and Fisheries took care of this function, and in 1905, anyone "establishing, installing or working apparatus for wireless telegraphy" required a licence. Stiff fines and forfeiture of apparatus were the Canadian penalties for transmitting or receiving signals on unlicensed equipment.¹⁴ In both Canada and Great Britain the Minister responsible for licensing also had discretionary powers over who should receive licences. The U.S. Secretary of Commerce had no such control.

It is perhaps a reflection of British and Canadian public consciousness that attempts were made to control misuse of the airwaves several years before the U.S. took any legislative action in this direction.¹⁵ Possibly, the eight year American lag in legislation really was due to Harlow's interference that licensing represented a threat to "old rugged [American] individualism."¹⁶

Beginnings of Broadcasting: Interpretations of Public Interest

The United States:

The outbreak of the first World War silenced amateur radio and all wireless stations were commandeered by their respective governments, though research and experimentation continued. The historian, Asa Briggs, in his chronicle of the BBC, claimed that "organized broadcasting grew naturally out of these war-time developments. The surprise is that there were still so few people who saw its possibilities."¹⁷

In 1915, David Sarnoff, an employee of the Marconi Wireless Telegraph Company, was one of the few visionaries who viewed radio as a household information and entertainment utility. He foresaw wireless as a vehicle for culturally supplying the home with concerts, lectures, music recitals, baseball scores and events of national importance—a proposition Sarnoff considered especially attractive to "farmers and others living in outlying districts removed from cities."¹⁸ In partial fulfilment of the Sarnoff dream, the first regularly scheduled licensed broadcasting of programmes began in 1920 in Canada, Great Britain and the U.S.

As with more recent dreams of a "new rural society" via the wired city, the excitement of innovation in communications media brought the messianic and demonic qualities of radio to the fore.¹⁹ In his exhaustive study of responses to new mass media in the American periodical press, Robert E. Davis found that 1921-1923 marked a period in which writers joined such visionaries as Lee de Forest and David Sarnoff in exploring the vast potential of radio. Advocates hailed the variety of material which broadcasting would bring to home, school and church, lauded the democracy of the radio medium, and named it second only to the movies as a national amusement which educated as it entertained. On the opposite side, detractors feared that other amusements would suffer as audiences turned to radio, that the faithful would decrease and church congregations would shrink, that newspapers would be unable to compete with broadcasting in the sphere of news dissemination. "Radio, said those suspicious of innovation, was but another complicating and disrupting force in society."²⁰

The "complicating and disrupting force" mushroomed in the United States—in 1922, the first year of availability of radio sets for the general public, RCA radio sales amounted to \$11 million. In 1923 it rose to \$22.5 million; and in 1926 to \$400 million.²¹ American radio manufacturing firms amalgamated to avoid patent wars and evolved into broadcasting companies to create market potential for their products. The public which had been content to hear any disconnected series of recognizable sounds during the experimental earphone stage of radio, now demanded better reception technically, and quality material for listening.

While Sarnoff favoured revenue from licensing and a public endowment scheme to finance programme production, A. T. & T., then one of the pioneer broadcast firms, believed radio broadcasts should be supported by the originator, not unlike telephone conversations.²² The practice of radio equipment manufacturers airing programmes to foster radio sales provoked A. T. & T. ire: "Those who were using the new medium simply to promote their own products, far from performing a public service, were exploiting a popular craze."²³ In 1922, WEAf, the A. T. & T. station in New York City, initiated paid sponsorship and by 1925, the programming question of "who should pay?" had a commercial answer to rising production costs. Subsequently, radio "networks" evolved as stations linked with each other, allowing national coverage of programming.

Herbert Hoover, then U.S. Secretary of Commerce, had expressed a concern for minimal governmental controls to ensure radio's future as a "public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities."²⁴ His concern over rampant commercialism caused him to vacillate in speeches between policing and self-regulation.²⁵

The early 1920's had been subject to a "suppression mania,"²⁶ and broadcasting executives, nervous about a "red" on the air, had equipped studio engineers with an emergency device to censor radical views by immediately switching over to the broadcasting of phonograph records. Olga Petrova's nursery rhyme on birth control and poem on prostitution,

risque jokes, and radical opinions were hastily removed from the air in 1921. Concerned with their image of respectability, wireless telephony executives heavily censored a talk on cigarettes and delayed a "discreet" discussion of tooth care until the ethics and etiquette of broadcasting such a "personal" topic could be debated.²⁷

By 1925, Hoover addressed his fourth National Radio Conference and reaffirmed American "freedom" of the air:

The decision that we should not imitate some of our foreign colleagues with governmentally controlled broadcasting supported by a tax upon the listener has secured for us a far greater variety of programs and excellence in service free of cost to the listener. This decision has avoided the pitfalls of political, religious and social conflicts in the use of speech over the radio which no Government could solve—it has preserved free speech to this medium.²⁸

The incredible delusion under which Hoover operated becomes readily evident when the realm of unofficial censorship is considered.

The outrage over corrupt public resource management (or lack thereof) in the Teapot Dome Scandal, directed attention to other areas of the public domain which required safeguarding, and resulted in an idealistic 1927 radio law and the establishment of the Federal Radio Commission.²⁹ Sixty days after passage of the act, all existing licences were voided and re-applications were required, which, it was hoped, would formulate the brave new American radio world. Censorship powers were denied the F.R.C. (except for a prohibition of "obscene, indecent or profane language"), but infringement of "public interest, convenience and necessity" could lead to licence revocation.³⁰

The NBC and CBS networks continued to transmit largely

musical offerings in 1928-9, but radio drama was growing.³¹ By 1929, Amos 'n Andy was nationally syndicated and widely celebrated in the U.S. and Canada. The racism of the characterization and dialogue which seems so apparent today, elicited no comment. The happy-go-lucky ghetto image was reinforced to maintain the delusion that 'they' were better off where they really were; "that South Side poverty was somehow charming and fitting . . . It was not an accident that "Amos 'n Andy" was a national triumph. It was virtually a national self-expression, a vivid amusement park image of its time."³²

In eighteen months between 1928-29, RCA stock climbed over 600%, for radio had profited from the inflating credit bubble—until the stockmarket crash in late 1929. The panic of the depression caused many stations to leave the air, while others switched to time sales in pursuit of the departing advertising dollar. Stations could not afford record libraries and hired live talent in the barter economy then in operation. 1929-32 marked increasing numbers of longer commercial announcements—"an almost spectacular retreat from previous standards."³⁴ Concert music almost vanished and astrology, numerology and advice (social, medical, marital, spiritual) programmes replaced it. By 1931, virtually all sponsored network programmes were developed and produced by advertising agencies rather than by networks or stations as before. To maintain their audience support, broadcasters rendered their offerings not only palatable, but wholesome. By the use of the censorship sieve "every possibly un-American and harmful ingredient (Bolshevism, Communism, Socialism, sex, free thought,

Naktkultur, atheism, liberalism, radicalism, pessimism, etc.) [was] kept out of the ambrosia fed to listeners-in."³⁵ Only the decent American ideals were transmitted via Rise of the Goldbergs, Mary and Bob and True Story—not much progress had been made since the suppression mania of the early days of broadcasting.

The F.R.C. standards of "public interest, convenience and necessity" were sufficiently fluid and vague to allow for erratic censorship via licensing prerogatives, all the while enabling the Commission to disclaim violation or the "freedom" guaranteed by the act.

J. R. Brinkley, the infamous 'goat-gland' doctor, established station KFKB to offer medical advice to his mail-order patent medicine following—the greatest attraction stemming from his promise to return the listless males of America to potency by means of a 'compound' operation! The F.R.C. denied his application for licence renewal in 1930, and Brinkley's subsequent appeal represented the first judicial consideration of F.R.C. authority to control programmes which it considered not to be in the public interest. Accusations of censorship were judicially circumvented as the court reaffirmed the F.R.C.'s right to consider "past conduct" of licence applicants regarding service to public interest.³⁶ Consideration of past conduct as justification for licence revocation implicitly assumed a knowledge that future conduct by the station in question would be the same. Whether or not this assumption was valid did not negate the fact that censorship had a much broader definition than mere "prior scrutiny" by a government body. Regardless of F.R.C. denial

of censorship powers—censor they did.

It might be interesting to note at this point that even after the F.R.C. failed to renew his radio licence, Brinkley narrowly missed becoming Governor of Kansas as a write-in candidate. He ran officially in the 1932 gubernatorial race and broadcast from Mexico to his loyal audience.³⁷ The public demand obviously outranked legal consideration of the public utility.

In 1934, the U.S. Federal Communications Act was passed; basically a re-enactment of the 1927 legislation but broadening several parameters. The Federal Communications Commission replaced the F.R.C., and the new body also held that the public interest of programming content would be considered in the granting of licences. Again, "public interest" was a discretionary term and again, the F.C.C. obtusely denied that it had censorial authority. The amount of investment by broadcasters, and the short renewal period, more or less assured station compliance with F.C.C. suggestions—the "censorship of fear" or "raised eyebrow" was extremely effective in America.

Diverse incidents provoked F.C.C. intervention—as a result of a Mae West/Charlie McCarthy skit on Adam and Eve, fraught with innuendoes, all stations carrying the programme were informed that the event would be considered in their licence renewal applications. To avoid further demerits, NBC immediately banned the mention of West's name from broadcasts on their network stations. The local stations complained that they were victimized, in that they had had no opportunity to eliminate elements of bad taste in advance of the West broadcast.³⁸

F.C.C. chairmen frequently employed speech-making campaigns to issue covert threats regarding program content, advertising of alcohol and laxatives, co-operation with the National Recovery Administration, increases in educational content, elimination of simulated newscasts, editorialization by broadcasters and similar matters.³⁹ Except for ensuring that stations were not licensed where talent was unavailable, the F.C.C. apparently trusted sponsors to insist on, and thereby control the quality of entertainment, and tried not to concern itself with the matter.⁴¹ As mentioned above, networks and sponsors combined to maintain only wholesome images in American radio, though the definition of "wholesome" occasionally provoked listener response, especially with regard to crime radio serials as will be shown.

To forestall legal restraint, a voluntary programme code was adopted in 1937 by the National Association of Broadcasters which delineated acceptable standards of programmes and advertising content. No penalty for violations was provided for the rather conservative standards, and many questions were raised regarding the Code's constitutionality and effectiveness.⁴¹ Three years before, a Committee of Five for the Betterment of Radio had banded together to ward off any danger of extension to radio of the Roman Catholic Church (through the Legion of Decency) crusade against indecent movies. These five orchestra leaders and broadcasters promised to scrutinize and ban any songs which could be construed as suggestive, veiled or off-color in interpretation.⁴² Once again the concept of self-regulation was apparently a justifiable form of social control for American radio.

In an article written for Hollywood Quarterly,⁴³ Robert Shaw noted that, as economic and political pressures intensified, there was an inevitable increase in the effort to control radio, and to manipulate the public medium for private purposes and specialized economic or political ends. He observed five aspects of "restrictive pressure" as being prevalent and recurrent in the American radio industry: 1. Political type of censorship, the effort to use political power to invalidate existing radio laws, exemplified by the Rankin Committee on Un-American Activities; 2. The type of censorship originating in the stations and networks, and aimed at keeping off the air certain kinds of programs that may not agree with the opinions or tastes of those in direct control of broadcasting, for example, the N.A.B. Code abhorrence of "controversial issues"; 3. The type of censorship exercised with the specific intent of influencing the selection or interpretation of news—editorializing was considered a mortal American sin; 4. A masked censorship which cluttered the air with profitable commercial nonsense of no public interest or necessity, thereby crowding out excellence; 5. A public censorship which resisted inferior programming by refusing to listen to it, an important threat to the principles of commercial broadcasting. All these paradigms of legal and illegal paternalism were present in so-called "free" American broadcasting on the radio, and in modified form, interfered with the British and Canadian offerings on their own airwaves.

Great Britain:

The government of Great Britain, through various

agencies, had kept a strict rein on wireless experimentation in that country via permissions granted or denied by the Post Office, and not always with total approval from official circles. Asa Briggs claimed the historic broadcast of singer Nellie Melba "was deplored because it represented a 'frivolous' use of a 'national service.'"⁴⁴ The pioneer Marconi broadcasts at Chelmsford were suspended in response to complaints of interference with other stations and a belief that Marconi was broadcasting for propagandistic rather than scientific purposes. As in the United States, amateur group pressure inspired the Post Office to slightly relax the Defence of the Realm Act and, while retaining substantial discretionary powers, to issue licences to all approved persons. Wireless was thus to be treated not as a personal pleasure but as a "definite object of scientific research or of general public utility."⁴⁵ The radio boom in the United States and the consequent chaos in the ether served as a warning for British policy makers—it was recognized that the "go-as-you-please" methods of the United States could have dangerous results in the small, but densely populated United Kingdom.⁴⁶

F. J. Brown, a British Post Office official, attended an American wireless conference in 1922 and returned to England to outline the essentials of British broadcasting policy. The result was "a combination of caution and abstinency typical of relationships between an autocratic concessionaire and an objectionable licence,"⁴⁷ eventually culminating in the 1922 formation of the British Broadcasting Company, a collection of radio manufacturers.

Once the decision had been made to structure the industry

as a broadcasting monopoly, whose licence could be withdrawn by the Post Office for misbehaviour, attention shifted to a concern for content. As the Manchester Guardian noted in 1922, "The really vital point of control seems to have caused little comment or suggestion so far. Yet, on the assumption that the public takes eagerly to the new method of communication, it is a matter of supreme importance that the judges of what is to be communicated should command a good name."⁴⁸ The definition of the components in "a good name" was rather rigidly specified and enforced in British broadcasting.

While the Post Office feared BBC airing of controversy, the newspapers feared the competition of broadcasting in news dissemination.⁴⁹ By 1924, BBC General Manager J. C. W. Reith had operationalized the public service aspect of broadcasting by concentrating on four areas: a lack of dependence on the profit motive, national coverage, unified control and "the maintenance of high standards, the provision of the best and the rejection of the hurtful. [For] Reith had no sympathy with the view that it is the task of the broadcaster to give the customer what he wants."⁵⁰ This attitude of course, comprises the basic difference between American and British philosophies; the British would attempt to ensure that Robert Shaw's fourth concept of censorship (see p. 159) did not operate; the Americans would thrive on it.

Reith's requests for permission to broadcast Parliamentary debates were rejected in 1924, frustrating his attempts to make broadcasting educational in the widest sense. Speeches aired on controversial topics (world peace, League of Nations . . .) drew complaints from both sides and officials claimed

that this negated accusations of BBC bias.⁵¹ Religion was almost as controversial a topic during the 1920's as politics. Nevertheless, Christianity served as the foundation for the moral tone of the programming on the BBC. Under Reith, programmes broadcast on Sunday had to be framed with a respect for the sabbath, a view which was met with considerable opposition during a period of declining religious, social and moral influence. Under Reith, BBC programme policy maintained that it could influence the large segment of the population outside the effective range of churches and should therefore resist rather than reflect secular trends.

After 1926, when broadcasting was extended beyond the few limited hours of the early twenties, religious programmes occupied only 1% of the total weekly air time, yet the ethics of airing only Christian philosophy on Sundays was debated in the periodical press and the Sabbath observation restrictions were gradually relaxed.⁵² Although more seasonal variation existed in Britain than America regarding allotment of air time to music programming, in both countries music always accounted for the largest proportion of broadcast hours during the 1920's and 30's and, though it ranged from opera to jazz, it required little censorship or control.⁵³

During the General Strike in Britain from May 3 to May 12, 1926, the British Broadcasting Company managed to retain independence from the government. Hampered by official prohibition of broadcasting the words of a union speaker, the BBC was lauded for its part in dispelling rumours and spreading optimism. The Company was attacked however, by listeners and government, for the lack of unionist news, for

the delay of a churchmen's appeal to end the strike until after a formal government decision had been reached not to take over the BBC during the crisis, and for its frequent "editorials" on the situation.¹⁶

1927 saw the emergence of the British Broadcasting Corporation, set up by Royal Charter to represent the public rather than manufacturing firms, as had been recommended by the Crawford Committee. The public service function that Reith had outlined formed the basic assumption underlying British radio then, and remains so today. Revenue was gleaned from listener licence fees and the corporation was "invested with the maximum of freedom that parliament [was] prepared to concede."⁵⁵ The Postmaster-General, however, retained extraordinary powers which enabled him to require the Corporation to refrain from sending any broadcast matter as specified in a written notice, and immediately instructed the Corporation that it was not to broadcast on matters of political, industrial, or religious controversy. This ban was not lifted until 1928, when policy was "experimentally" left to the discretion of the Director-General and the Governors.⁵⁶ This basic policy of public interest through control was lauded in Britain while the American commercial pattern attracted more British criticism than support.

The few occasions of attempted censorship of entertainment via pressure group influence, concluded in a reaffirmation of the British preference to "make up their own minds" whether or not material was blasphemous, sensational, or politically prejudiced.⁵⁷ In the absence of sponsors' concern regarding their commercial images, British "controlled"

radio appeared to have been more free than the "uncensored" American variety.

Canada:

The number of Canadian broadcasting stations increased rapidly after the granting of the first commercial licence 1922, most operated by newspapers or radio equipment manufacturing firms hoping to promote their respective products. In this first decade of broadcasting, no specific Canadian decision was made regarding the structure of radio service. Both Canada and the United States assumed that the government concern should primarily be one of technical administration and not content-oriented as in Britain. Canadian political leaders, not realizing the implications of formulating public policy, followed a line of least resistance and undertook as little control as socially possible. During the mid-1920's, American usurpation of Canadian wavelengths focused attention on the problem of "interference" as a major point of contention. Thus a long series of negotiations between Canada and the U.S. began in an attempt to allot frequencies on a more equitable basis. A philosophical difference of opinion arose—the U.S. supported wavelength allocation according to population, claiming that Canada had a sufficient number of frequencies which could be optimized by increasing power. Ever-conscious of the need to protect her rights, Canada preferred allotment by territory and wanted more frequencies. It was not until 1941 that Canada acquired assurance of a fair share in hemispheric frequency allocations.

Canadian businessmen had entered the radio broadcasting field to sell their radio equipment, promote their news-

papers or prevent radio competition for advertising revenue. Professor Frank Peers, in his history of Canadian broadcasting, noted that in 1928, many radio station owners feared most broadcasting would become an unprofitable business, if attempts were made to establish larger stations for the scattered population. Only with a large, immediately accessible market of willing consumers listening to the radio could the principles of commercial broadcasting be profitably and successfully implemented. Canada's radio markets were diffused and the Department of Marine and Fisheries policy of allotting only one of the precious wavelengths to a city resulted in "phantom" stations sharing a wavelength, each broadcasting only a few hours per day. This situation did not facilitate the establishment of a loyal audience and Canadians generally listened to American stations more than to their own. Canadian stations were small, their schedules irregular, their broadcast hours short and their average programmes unexciting—not an ideal business situation.

Concerned about the attrition rate of Canadian radio stations, the government passed a bill in 1923 which allowed the broadcasting stations to receive a portion of the licence fees charged on receiving sets by the Department of Marine and Fisheries. The bill was necessitated by the demise of the only radio stations in Manitoba, both owned by newspapers. The Manitoba government was to operate a radio station financed by half the licence fees collected in the province. While Minister Lapointe expressed the opinion that a similar fee split should be allocated for radio services across Canada, the Manitoba arrangement was never extended to any

other station or province.⁵⁸

Throughout the decade of the twenties, the government blustered and wavered on the issue of advertising as revenue. Peers claimed that receiving set licences were commonly evaded by Canadians who felt that they too should enjoy "free" broadcasting as in the U.S. In 1923, the Radio Branch of the Department of Marine and Fisheries experimentally permitted "indirect" advertising (a sponsorship format) at any time and "direct" (hard sell commercials) advertising was allowed before 6 p.m. Reviewing the advertising situation in 1925, the Department noted that little direct advertising had been employed. The following year its expression was forbidden except by ministerial permission; indirect advertising was still permissible. By 1929, the Aird Commission heard numerous complaints regarding the prevalence of direct advertising; regulations were obviously relaxed or ignored.⁵⁹

Canadians were poorly served in urban areas by low power stations, while many rural areas had no radio. Broadcast range could be extended by increasing power or by linking in a network structure. The latter structure being deemed essential for national coverage in Canada. The Canadian National Railway initiated a radio department in 1923, and gradually established network broadcasting, presenting "the most venturesome programs on the Canadian air"—operas, special events, school broadcasts and a symphony series. Sir Henry Thornton, the initiator of CNR radio, viewed the medium as an instrument with which to serve national interest, maintaining a physical, unifying link between the provinces.⁶⁰

Frank Peers notes the dearth of criticism during the

1920's regarding the CNR radio's expenditure of public funds, rather surprising, considering the ongoing battle between public and private radio ownership interests. He attributes this lack of attention as possibly due to: 1. the small amount spent by the CNR in relation to their total operating budget; 2. a feeling that CNR was not the same as "the government," therefore not as subject to vociferous complaints; 3. the operating method of the radio network (a "phantom" system in part, which actually helped finance private stations by renting time on their air); 4. the welcomed Canadian programming which was competitive with the American product.⁶¹

In 1928, following complaints that the radio programming of the International Bible Students Association was "unpatriotic and abusive of all our churches," the Department of Marine and Fisheries took its first stand on Canadian programme content, and revoked the licences of the Bible Students, and Universal Radio who shared a "phantom" station.⁶² This action sparked a parliamentary controversy regarding the range of ministerial discretion, censorship and the absence of a concrete broadcasting policy, which culminated in the establishment of a Royal Commission "to consider the manner in which the available channels can be most effectively used in the interests of Canadian listeners and in the national interests of Canada," and to make recommendations regarding future administration, control and financing of Canadian broadcasting.⁶³

Reporting in 1929, the Aird Commission recommended an autonomous broadcasting organization similar to the BBC, which would acquire and operate all private stations. As only indirect advertising would be allowed, licence fees would be

increased and the government would grant funds to finance the system. Although numerous constitutional, financial and philosophical problems were rampant in the report, by the end of 1929, the reaction was mostly favorable and the Department of Marine and Fisheries began drafting legislation for introduction to the next Parliament. Still, no mention was made regarding programme content.

Two influential organizations were also born at this time in Canada. The Canadian Association of Broadcasters was formed to deal with demands made by performers regarding copyright infringement of music played over the air. The Radio League was established in 1930, its policy based upon the Aird Report's principle of the public utility of radio, and by 1932 had the documentary support of organizations and individuals totalling 1,055,000.⁶⁴

Amidst this pressure to view and utilize radio as a tool of Canadian nationalism, American programming still occupied the vast majority of Canadian listening time. Not only did listeners pick up broadcasts directly from American stations but in 1930, CKGW, the station owned by the Toronto Telegram, actually became part of the NBC network, a practice copied by several other Canadian stations in the following years.⁶⁵ The CPR joined CNR in the broadcasting business, and the private/public ownership war continued to rage. Amidst this unsettled state in Canadian radio, the Duff Commission of 1931, appointed to inquire into the railway situation, also heard representatives from private stations claiming that radio facilities needed improvement only in the West and Maritime regions. Furthermore, there was little recognition

of any need to go beyond the development of a Canadian musical consciousness.⁶⁶

In 1931, a parliamentary committee on radio broadcasting considered briefs and submissions from 53 sources; its recommendations resulted in the Canadian Radio Broadcasting Act of 1932. Prime Minister Bennett personally endorsed the nationalization of a string of high power radio stations supplemented by private, low-power, local stations with a provision that the government could possibly take over all broadcasting in Canada.

Nationalization was most strongly advocated by those who resented "domination of the air by American programs of jazz, crooners, American oratory and infinitely wearisome advertising blurbs."⁶⁷ The view was widely held that radio had failed to live up to expectations and opportunities; many wished to eliminate private financial interests and adhere to the British system.⁶⁸ In a brief to the Fowler Commission on Broadcasting (1956), the Canadian Association of Broadcasters claimed the remarkable early expansion of Canadian radio, evident from 1922-29 when broadcasting was developed largely through citizen capital, was dramatically halted after threatened nationalization in 1932. The state of the economy and a fear of expropriation contributed to the dearth of private investment.⁶⁹

Of the 108 regulations drafted by the Canadian Radio Broadcasting Commission, 14 dealt with programme content: only 40% of the daily schedule could be comprised of foreign imported programmes, advertising copy could be checked by the commission, and time allotted to commercials was not to

exceed 5% of programme time except by permission, evening spot announcements were prohibited, prices were taboo in commercials, station editorials were not to be broadcast. Article 90 provided that no broadcasting station could broadcast any statements contrary to the expressed purpose of any existing legislation—a provision which was rescinded after pressure from opposition in Parliament, and replaced in 1935 by a modified version which could be easily evaded.⁷⁰

In his history of Canadian broadcasting, Austin Weir claims the CRBC had "an extraordinary faculty for stumbling into situations that would provoke contention and unfavourable publicity."⁷¹

In 1933 one hour nightly was allocated to national programming, three hours to programmes of regional interest. Thomas Maher, responsible for assigning the national programming slots, filled three or four of the seven hours weekly available with French language productions, which provoked a fury of protest from the Maritimes, Ontario and Western Canada. Weir hastened to point out that it was not the French language which was deemed objectionable, rather interest in French courses was widespread in the West. The French language was however, associated with Roman Catholicism. Religious bigotry, as expressed by such nationally powerful organizations as the Orange Order and Western factions of the Ku Klux Klan, denounced the sudden airing of French programmes across Canada. Mass protest rallies were staged, attended by thousands of members of groups such as the Protestant Vigilance Committee, the Royal Black Knights of Ireland and the Sons of England of Prince Albert. All decried bilingualism. The vociferous

prejudice, bigotry and fear expressed by listeners outside Quebec might have been lessened had the French programmes been introduced more gently into homes by occasional initial broadcasts, with a gradual buildup as acceptance increased. The CRBC apparently searched for a scapegoat instead of immediately correcting the situation as was ultimately necessary. Weir referred to the controversy as "the single most unfortunate incident in national broadcasting" and noted that its effects were felt decades later.⁷²

Earlier in 1933, Judge Rutherford, Chief Prophet of the Jehovah's Witnesses, was banned from all Canadian stations on the grounds that his talks included slanderous attacks on the Christian clergy and governmental authority. This brought on a campaign of tracts and petitions both supporting and denouncing the CRBC actions, a pattern almost identical to the 1928 prelude to the Aird Commission; but the CRBC ruling stood.⁷³

The 1935 election campaign involved Conservative plans for the use of radio serials. Six "Mr. Sage" broadcasts were aired in September and October, the first made no mention of its political sponsor and was considered by listeners to have been a network dramatic offering. Mr. Sage, a life-long Tory, held opinionated discussions with friends regarding election campaign issues and participants. Mackenzie King, then Opposition Leader, considered the broadcasts scurrilous, libelous, misrepresentative propaganda. The 1936 Radio Broadcasting Committee held lengthy discussions but gleaned little information regarding the broadcasts, and no Liberal satisfaction.⁷⁴

Writing in the Canadian Forum, R. B. Tolbridge commented on CRBC independence, calling the Commission "practically a government department, subject to all the promises of partisan influence." When it attempted to curb patent medicine charlatans, financial sharks, and mining racketeers with the aid of various better business bureaus, stock exchange heads, and the Department of National Health and Welfare, the Commission found that small station owners preferred obtaining revenue from such fraudulent advertisements, to serving the public interest and possibly declaring subsequent bankruptcy. He considered the clamor of private radio for a semi-judicial body to regulate both the CRBC and private radio a ruse to bring about the kind of "emasculated and completely ineffectual 'regulation'" that appeared in the U.S. under the Federal Communications Commission.⁷⁵ These were harsh words that expressed the general dissatisfaction with the CRBC, and the still smoldering battle between private and public ownership of Canadian radio.

These factors culminated in the Canadian Broadcasting Act of 1936. The offending CRBC was now defunct and the Canadian Broadcasting Corporation replaced it with a Board of Governors to administer regulation of both Canadian broadcasting sectors. The pattern of dual broadcasting ownership had been uniquely established in Canada, although private stations continued to complain bitterly about restrictions on the use of recorded material, prohibition of price mention in advertisements, unduly heavy line charges, and reservation of time for CBC sustaining programmes at the most profitable commercial hours.⁷⁶

Offerings such as quality music, light entertainment, historical talks and round table discussions on constitutional matters drew praise from Queen's Quarterly but not from everyone.⁷⁷ As in the United States, Canadian broadcasters frequently attempted to avoid public censure by exercising powers of prior censorship.

Father Charles Lanphier of the Radio League of St. Michael's Church, broadcast Catholic Sunday programmes from Toronto which were countered by Rev. Morris Zeidman, a Presbyterian minister representing the Protestant Radio League, both of whom were accused several times of attacking the other's faith. In January 1937, a proposed talk by Zeidman on the Protestant attitude toward birth control, expected to contain controversial religious material, was cancelled following a CBC suggestion. The following month a proposed broadcast on sterilization by Dr. Hutton of the Eugenics Society of Canada was similarly axed. Toronto papers claimed the CBC decision stemmed from the influence on it of the Roman Catholic Church. When the issue rose in parliament, M.P.'s requested a central board of censorship, unbiased and non-partisan, to impose universal Canadian standards of acceptability. C. D. Howe, then Minister of Transport, urged severe restrictions on programming to ensure that only inoffensive material would be sent through the airwaves.

In 1937 the CBC passed regulations prohibiting abusive comment on any religion, race or creed and banned birth control as a subject inappropriate for broadcasting.⁷⁸ However, controversy was not dead on the CBC, it had merely been modified. While Zeidman and Lanphier no longer aired their

religious feuds, there were still spirited commentaries offered by such individuals as Premier Aberhart of Alberta, newspaper editor W. L. McTavish, and George Ferguson, Managing Editor of the Winnipeg Free Press, the latter provoking parliamentary debate.⁷⁹

In 1939, the CBC White Paper on controversial broadcasting advocated a Hyde Park on radio by pressing the need for equal opportunity of access and the avoidance of air time sales for individual propaganda. Its principles were suspended during wartime but upheld when peace returned and the policy continues today.

Radio and World War II

The advent of the war had drastic effects on radio programming. Both the United Kingdom and Canada attempted to present a united front of public opinion during the war by suspending the stress on the need for controversial broadcasting. During the early war years in Canada, radio censorship was more systematic than press censorship but was ineffective due to the easy reception of American broadcasts. With the U.S. entry into the war, radio information control became somewhat easier. While strict and occasionally irksome, Canadian censorship was not dictatorial and sincere criticism of the government was permitted. Dramatic radio accounts and too graphic voice descriptions of battle action and paratroop fighting brought new realization to Canadian listeners of the meaning of war. The experience of on-the-spot war reporting brought the details of dying soldiers into Canadian homes, evoking guilt among the listeners for their

own lack of sacrifice in safeguarding the world from the conflict made so close by radio.⁸⁰ In Britain, Canada, and the United States, rules prohibiting misrepresentation, ridicule, or attack of races, colours and nationalities, were suspended with regard to the nature of the wartime enemy. In both adult's and children's comedy, drama and song, characters all participated in the war effort and spied on the German family down the block, or the Japanese restaurateur, bought bonds, worked in war-production factories and generally safeguarded their respective countries from an enemy described in the most despicable terms.

Also in 1939 a British decision was made which left censorship to the discretion of the BBC Director-General; news and political censorship was to be indirect, informal and voluntary based on liaison with the Press Division of the Ministry of Information. The BBC took public interest, intensified by the war, into account, and after conflict with the press, broadcast news bulletins throughout the day.⁸¹ By 1941, the nation's interest apparently required tighter control of the mass media—a member of the Ministry of Food complained that there was nothing to talk about that would pass the censor except "oatmeal, carrots and potatoes"; even the health of the population was considered taboo though mention of health had been aired only in passing reference during a radio drama.⁸² American radio censorship was also to be voluntary, but weather news, news of troop, ship or plane movements, war production, fortifications and casualties were banned. Abolition of man-on-the-street interviews and other ad-lib programmes was urged.⁸³ Yet the aforementioned

incidents of graphic battle descriptions on Canadian airwaves, paralleled in the U.S., would seem to indicate that paper regulations of programme censorship were not strictly applied.

After the war, radio was to have a totally new function in North America as it adapted to increasing competition with television. Canada's radio system evolved still further in structure; licence fees were dropped and the Board of Broadcast Governors and later the Canadian Radio-Television Commission performed regulatory functions. Radio turned increasingly to a music format, often specializing to cater to particular tastes rather than general public interest. Its new inoffensive role as a background medium aroused little interest from regulatory bodies.⁸⁴

Violence and Radio: The Sound and The Fury

A very few instances of concern have been expressed regarding American, British and Canadian censorship and control of radio broadcasting. As has been shown, the main topics which resulted in control were religion, politics, sex, radicalism, fraud . . . no mention has been made so far of violence. Except for an isolated 1928 incident in Britain in which a skit regarding a mob storming Lambeth Bridge panicked radio listeners and resulted in scoldings, editorials and BBC apologies (but no official regulation), violence apparently did not spark attempts at control by official or partisan groups in the United Kingdom.⁸⁵ In Canada, comparatively little mention was made of violence on the radio. Only in the United States did the subject become a major area

of concern.

Radio was sold with violence in mind even in the earliest days of broadcasting. The New York Times of July 17, 1927, claimed that the greatest event of that week would be the broadcast of the Dempsey-Sharkey fight, and predicted an audience greater than the 30,000,000 who had listened to the Charles Lindbergh celebrations. Peter Odegard, writing in The American Public Mind, used the incident as an example of the wonders which could be brought into the home via radio: "It is illegal to ship fight films in interstate commerce but the radio brings every battle of the century into the very homes of millions. Not only the male adults but the mothers and kiddies can now 'listen in' as the Manassa Mauler delivers a 'vicious left' to the Bull of the Pampas."⁸⁶ Radio violence has been available in sports programming, in news, and in fiction for almost fifty years. While initially radio was lauded for its ability to bring "live action" into the home, eventually the reaction to fictionalized violence became somewhat less enthusiastic.

Despite Robert E. Sherwood's 1929 pessimism over the success of radio drama,⁸⁷ during the 1930's to mid-1950's, a host of serials, plays and short narratives were sent into the radio ether for consumption by adult and child alike. Entertainment formulae, though stale and crassly commercial, won for radio "a loyalty that was almost irrational." Destitute families forced to surrender icebox or furniture, still clung to their radios as a last link with humanity.⁸⁸ This attitude prevailed until the advent of television. A survey conducted in the late 1940's continued to indicate that

men and women would be "lost," "ruined," "bored," or "lonely" without their electric companions.⁸⁹ Infatuation with radio even surfaced as grounds for divorce.⁹⁰ The vicarious gratification derived from escape into the fantasy heroes and heroines (be they soap or sadistic) made life more comfortable, livable and bearable.

While advertising continued to boost sales, especially of drugs and packaged foods, this commercial incentive of supplying demand resulted in a proliferation of daytime radio drama serials—soap operas. Prime time night and evening programming was aimed at the family market and consisted of music, mystery and half hour comedy-variety selections with permanent casts and such recurrent themes as Jack Benny's stinginess, Fibber McGee and Molly's overflowing closet, and the Hope-Crosby "feud."⁹¹ However, it is in the realm of mystery and children's drama that we discover concern for violence in radio programming, for these programs primarily offered gory thrills.

The irrepressible Canadian poet, Alden Nowlan reminisced about the days when radio was:

an enchanted instrument, like the talking harp that Jack brought back from the top of the beanstalk . . . even its most mediocre shows had a dream-like quality. The imagination was free to create forms far more realistic than those that appear on the television screen . . . radio has never been equalled as a means of communicating the fantastic and the macabre. On film or videotape, monsters are essentially comic. On Inner Sanctum and Suspense they were as real as their counterparts in the depths of the unconscious mind.⁹²

Sexual themes and birth control discussions had been taboo with radio broadcasters since the days of Olga Petrova. Even in the soapy sex lives of serials for housewives such

insinuations were veiled. Social critic Gershon Legman has suggested that violence and death "save" the media from sex. Radio too, chose instead to air "blood and guts" programming in serial format, and from the early 1930's, trickling into the 1950's "radio blather scream[ed] before supper every day, with one or another grisly flaming horror left impending at the end of every chapter." Erik Barnouw's Handbook of Radio Writing, published in 1939 when he was an instructor in this field at Columbia University, made a special effort to caution ambitious scenarists about "taboo notes on the open market." While conjugal housekeeping arrangements without benefit of clergy were strictly prohibited, even as a bad example, Barnouw noted that murder and arson constituted admissible material. His explanation for this apparent contradiction was somewhat different from that of Legman. The general taboo on sex matters, he explained, was enforced in deference to radio's role as the new world's "hearthside." He does not explain the term further, but the implication is there that radio violence must have been more cosy and congenial than radio sex. While murder and arson were suitable for broadcasting, authors were warned that topics of nightmarish crimes, e.g. kidnapping, might not be admissible and dramatized scenes of suicide might also be unacceptable on certain stations or programmes, as depressed listeners might be induced to do likewise. Barnouw suggested that plots on children's programmes should be on the side of law, justice and virtue, but cautioned against overwrought depiction of fear and persecution. All fiction writing, he claimed, was somewhat sadistic in order to evoke audience

concern about the characters, but the degree of sadism had to be tempered to the audience. The line between enjoyable apprehension and unhealthy terror he left for child psychologists to determine.⁹³ Networks and sponsors seemed to follow Barnouw's rationale for violence in radio programming. They believed that audience sympathies were maintained by keeping heroes and heroines in constant danger; as long as this notion sold cereal and soap, "blood and thunder" was resident on radio.

The Child's Garden of Violence included such illustrious heroes as Jack Packard, a chauvinistic misogynist who "was man enough to take on an ax murderer barehanded, cut out the killer's heart with his own ax, and hand it to him," and who led his cronies through many international adventures.⁹⁴ In "The Battle of the Century," a rescue attempt was staged with superb attention to directional detail:

Doc: Here they come, Jack . . .
 Jack: Watch out, Doc . . .
 Sound: (sound of confusion of struggle . . . exclamations heavy breathing and a rain of socks and punches until the hand of every sound man at MBS aches like the toothache and is swollen twice its size. On cue, struggle fades back a little)
 Doc: (breathless, chuckles) How we a-doin', Jack?
 Jack: (gasps) Save your breath for fighting . . .
 Doc: Youbetcha! (grunts) Honest to . . . (grunts) grandma . . . (grunts) I don't know . . . (grunts) when I've had so much fun!⁹⁵

Tom Mix, Terry and the Pirates, Sky King, Superman, Captain Midnight, Green Hornet . . . all had their faithful followers. Children rooted daily for their favourite heroes and heroines, the cliff-hanging format ensured that they would "tune in tomorrow, same time, same station." Sponsors even intimidated their youthful audiences into believing their right to listen was invalid unless their parents bought the sponsor's product.

As a check on their promotional effectiveness, sponsors requested listeners to send in box tops, etc. and offered "free gifts" from the idols in return.⁹⁶ While strict homage was paid to the triumph of good over evil, the means employed to achieve such moralistic ends were not exactly accepted social practice, and generally involved some form of extreme violence.

The adult mystery shows, broadcast later at night, and of longer duration, intensified the juvenile horror of late afternoon. Children listened, nonetheless, overtly, with the rest of the family, or covertly, ear pressed to the spare bedroom set. In response to pressure from parents, networks would promise to "clean up" the children's hours and broadcast adult horror later at night. Attempts were not made to adjust for time zone changes, however, so east coast network promises were invalid in the west.

The "evil that lurks in the hearts of men" surfaced weekly to challenge the Shadow's powers of mental perception and the audience tolerance for terror. His trusty "friend and companion," Margo Lane, an inept masochist who trailed Lamont Cranston through each episode, was menaced, tortured, bound, and assaulted for the twenty-three years which comprised the program's air life-time. In one of the duo's escapades, she is tortured (for kicks) by a ghost:

Edward: In the days of the Puritans they had a very
satisfactory method for dealing with meddlers
. . . they branded them upon the forehead . . .
Margo: No . . . no . . .
Edward: Soon, young lady, soon you shall feel the
searing agony of that brand biting into your
flesh!
Margo: You're mad . . . you're mad!
Edward: (Laughing) You won't feel the pain too long . . .

no . . . you see, after you are branded I have another treat for you . . . the press . . . the torture press!

Margo: You let me out of here!

Edward: The branding iron is glowing now . . . it is ready to use!

Margo: You can't do this . . . please!

Edward: (Laughing) Prepare yourself . . . prepare yourself, Miss Lane . . . I have the iron ready now . . .

Margo: Keep it away from me . . . (scream) Keep it away!⁹⁷

Naturally, when each audience hair stood on end, the Shadow entered the scene, calmly demanding that the "girl" be unhanded, the branding iron fell to the floor with a clatter and a collective sigh of relief was breathed in front of mahogany consoles across Canada and the U.S. The Shadow's enemies and Margot's tormentors inevitably died hard. One criminal met his end by the kiss of a jackdaw with a cyanide-tipped beak, another as a meal for a Great Dane. But the Shadow never killed anyone himself, perilous circumstances always ensured that justice prevailed.

The popular show, Gangbusters, was based on FBI files with the "Feds" as heroes, until J. Edgar Hoover expressed displeasure over emphasis on excessive gunplay rather than patient police work. Philip Lord, the creator, merely identified his characters as city police and continued to assail the audience with an avalanche of SMACK! groan! Boffo! SMASH! Aarrrrrrhhhhh! and Rat-a-tat-tat-tat-tat! —a tried and true formula for audience fascination. As an added lure, Gangbusters offered nationally broadcast clues to aid in the capture of blood-thirsty criminals "who more than likely you would encounter sometime during the coming week."⁹⁸

Herman Brown, sound-effects man for Inner Sanctum, perfected body bashing by devising a bludgeon with which to

strike a small melon. A juicy, hollow, squishy sound resulted, evoking the proper amount of revulsion for the Sanctum's murderous deeds. Sherlock Holmes, The Fat Man, Ellery Queen, Front Page Farrell, Casey, Crime Photographer, Sam Spade, Charlie Chan all had their slot in the radio crypt. Besides these full time, professional death stalkers, amateur sleuths abounded—even the soaps were not immune to the murder malady; Ma Perkins was a part time crime-tracker.⁹⁹

Baby Snooks, an illustrious enfant terrible, "was pretty fearsome . . . the whole menage—Fanny Brice as Baby Snooks, Hanley Stafford as Daddy, and the unheard baby brother, Robespierre—had a sadistic streak. Baby Snooks would execute some torture on Robespierre—boiling him in his bottle sterilizer, maybe—and then Daddy would painfully worm the truth out of her. The sign-off was Baby Snooks bawling at the top of Fanny Brice's lungs as Daddy walloped her from here to Tuesday."¹⁰⁰ Parental child molestation must have been more easily tolerated over the ether than out of the tube.

Violence obviously ran rampant in radio—a lurid, lamentable fascination with the pain and panic of macabre murder and crime was available on all networks, and 41% of those surveyed by Lazarsfeld in 1948, cited mystery programmes as their evening listening preference.¹⁰¹ In his usual colourful style, Gershon Legman metaphorically screamed for attention to be paid to the content of the ether: "Does anyone find anything unwholesome in radio 'entertainment'—the soap-, crime-, and horse-operas—goosing Gothic masochism into mama in the morning (or she cannot work), titillating frustrated papa with horror until midnight (or he cannot

sleep), dinning lynch law into little Junior before supper (or he will not eat). Perversion as incentive, soporific, digestive!"¹⁰² Writing in 1949, he was about 16 years too late in asking his question, and a few years too early to arrive at an answer.

Pleas were occasionally voiced for radio critics to perform an adversary role with regard to tawdry commercial programming in the 1930's and 40's, but the pleas remained basically unanswered.¹⁰³ A Variety survey done in January 1946 found only 13 American radio editors offering regular constructive criticism; some papers actually forbade radio columns.¹⁰⁴ In 1966, Lawrence Laurent, a critic for the Washington Post, claimed that no relationship had ever been established between favourable (or even unfavourable) reviews, and the success of a television series.¹⁰⁵

Criticism of the glorification of violence and crime in children's radio dramas began in 1933, soon after their initial airing. Early that year, the Parent-Teachers Association of Fox Meadow School in Scarsdale, New York surveyed mothers' and childrens' preferences regarding quality in juvenile radio programmes. The mothers objected to 35 of 40 offerings because of concern that children's speech would be composed of bad grammar and the children's nerves would be "shattered," resulting in nightmares of horror. The Scarsdale group also discovered that programmes rated most objectionable by parental standards, were most favoured by the kids.¹⁰⁶

Following the February, 1933 McMath kidnapping which closely paralleled an Eno Crime Club scenario, New York City Police Commissioner, James Bolan, postulated that aerial

crime yarns were liable to give dangerous ideas to young America.¹⁰⁷ Similar opinions were offered in PTA meetings, child study groups and suburban living rooms—the periodical press became a forum of debate on the possibly detrimental effects that injection of intrigue and suspense might have on young psyches. Implicit in objections to sex and violence via screen or ether is the fear that viewer or auditor would imitate the objectionable example. Robert Davis's study of the periodical press revealed that charges connecting radio program to juvenile violence were uncommon before World War II; only occasionally did parents complain about the influence of radio as a factor in their children's behaviour.¹⁰⁸ Empirical research was scanty and uncertainty existed then, as now, about the actual influence of aerial crime waves on listeners. While agreement was widespread that radio violence was probably not beneficial to its listeners, others supported the view that listening to violence could have a cathartic effect thereby reducing violent behaviour.¹⁰⁹

In Robert J. Landry's 1946 book, This Fascinating Radio Business he reports a study done several years earlier which found no unanimity of attitude to any one radio program or custom. Some parents surveyed claimed too much stress had been placed on gangsters, others pressed for likeable villains; some boycotted the products of those who sponsored aerial "blood and thunder," others merely spoke of the nuisance of children writing to advertisers about their give aways; some appreciated the radio as a baby-sitter, others felt kids should be playing outdoors. Debate on the worth of children's radio programming was to rage for years. On the one side

were broadcasters and advertisers, with considerable support from educators who believed that: 1. radio expanded the understanding of children; 2. it quickened their perceptions; 3. it familiarized them with current events; 4. radio sharpened their powers of attention at an early age; 5. radio generally improved speech and vocabulary; 6. it excited an interest in foreign places. In opposition to these optimists, were those who claimed that: 1. programs frightened, upset, and over-excited children; 2. they caused nightmares; 3. they encouraged children to parrot silly and stupid catch phrases [parents apparently did not consider their own use of "wanna buy a duck?" and "voss you dere, Sharlie?" as objectionable] 4. radio's commercial sponsorship converted children into nags who tried to influence their parents' shopping.¹¹⁰ Landry's survey made no mention of crime programme incentive for juvenile delinquency, seemingly following Davis's pre-war pattern, when parents were more considered with individual internal psychological effects, rather than possible wide-scale social pathology.

In response to protests by parents and teachers, broadcasters promised such children's classics as Treasure Island, Robin Hood, Three Musketeers and initiated a new boys' serial, based on the illustrious life of Tom Mix, film star, cowboy, soldier and U.S. Marshall¹¹¹—all of which appear to have been as similarly concerned with violence as the programmes they replaced. As historical offerings, however, their remote violence may have been more acceptable. This pattern has been evident in the film industry and historical merit has been similarly employed to justify early blood and gore

on TV westerns.¹¹² Nigel Bruce, who played Sherlock Holmes on the radio, claimed that old-fashioned stories were a great tonic in times of stress. He explained the popularity of Sherlock Holmes during the Second World War as an escape device from the all-pervasive horrors of battle in Britain; the problems of a long-ago Scotland Yard were more easily faced than the then current strife.¹¹³

General broadcasting criticism was almost non-existent during the 30's but the anti-crime war directed at children's programming continued to rage through 1934, largely due to various organizations which were specifically founded to pressure broadcasters into program improvement. In September that year, 10,000,000 members of the Women's National Radio Committee began lobbying to clean up the airwaves. Using the subtle, but commercially painful, means of threatened boycott rather than Carrie Nation tactics, the W.N.R.C. succeeded, via the F.C.C., in chasing a contraceptive jelly program off the air and expressed similar distaste regarding laxative and feminine hygiene advertisements. CBS complied in 1935, by cutting commercial announcements to 10% of broadcast periods, deleting sponsors' blackmail pleas to buy products, avoiding excessively rapid speech and poor diction when depicting radio characters, and dropping advertising accounts involving "unpleasant discussions of bodily functions."¹¹⁴

The W.N.R.C. lauded the CBS move of July 1935, in hiring a consultant child psychologist to filter "sensational hocus pocus" from juvenile scenarios and replace it with "useful knowledge," though general comedy and excitement would remain to avoid pedantry. After listening to widespread official

and amateur criticism, NBC scheduled five new programmes (in addition to its 10 hours per week of children's offerings) to serve as "psychological models."¹¹⁵ When the W.N.R.C. petitioned the National Association of Broadcasters in 1935, they requested a constant supply of such "model programs" from 5 to 8 o'clock daily—as with television some years later, the radio must have also served as an electric baby-sitter.¹¹⁶

Robert E. Davis suggested that network response of program modification placated the critics until the attack was renewed in 1937, with a third wave occurring in 1945.¹¹⁷ Maurice Shelby's 1970 study employed an index measuring intensity of criticism, and discovered that criticism was largely negative from 1933-1942 with peaks occurring in 1935 and 1939. Fully 93% of all negative criticism of children's programming was aimed at adventure programmes, principally at adventure serials. Thirty per cent of the criticism was directed at specific programmes, most based on program ratings supplied by such organized groups as the United Parents Association; 7% acknowledged that some fare was "bad" but claimed parental control over listening was the answer to the issue; 51% treated a variety of topics, none of which occupied more than 3% of the total amount of criticism devoted to children's programming. Themes such as those delineated by Landry emerged: too much radio listening promoted passivity; unorthodox methods of persuasion in commercials were immoral; greater creativity was needed in the production of children's programmes; use of poor English debased language development; anti-social conduct was promoted by some programs

and adventure programs cultivated juvenile delinquency. The view that too much violence was detrimental to children apparently clustered in 1935, 1939, and 1945, but only 12% of the criticism between 1933 and 1948 expressed the concern that violence on radio programs, was unhealthy for children.¹¹⁸

Apparently the 12% evident in the periodical press respresented only the tip of the proverbial iceberg—late in 1938, George Payne, Federal Communications Commissioner, after stating that children's programming should be cleaned up and their nightmares ended, announced he was "swamped" with the largest amount of mail he had ever received on a controversial subject.¹¹⁹ Veiled threats by FCC Chairman Prall in 1935, and later in 1938 by Chairman Payne were never officially carried out. In 1939 the FCC did, however, release a memorandum to broadcasters enumerating "undesirable" programs depicting "torture" and "excessive suspense" in children's fare,¹²⁰ and the revised self-regulating Code which the National Association of Broadcasters adopted that year, pledged the removal of over-stimulating material from children's programming.¹²¹ Federal regulation of programming had been successfully circumvented again.

NBC and CBS drastically reduced and laundered their children's programming after 1939 (causing youngsters to switch to adult horror instead), but ABC and Mutual continued to air serialized and non-serialized adventures throughout the 1940's. After a lull in media criticism generally during the war years, the vituperative attack on radio renewed itself, as the amount of time devoted to children's adventure drama increased in the post-war period.¹²² Social critics sought an

explanation for the rising tide of juvenile delinquency and radio's emphasis on crime and violence was again subjected to scrutiny.¹²³ Once more pleas were heard for the development of alternatives to juvenile "blood and thunder" melodramas, and the illogicality of stressing "crime does not pay" with murderous how-to's was repeated time and again.¹²⁴ ABC and Mutual aired their violence at the same time and there was some suggestion that these networks competed for the audience by piling horror on horror.¹²⁵ Gilbert Seldes, writing in 1950, estimated that some 1,500 murders took place each week on the air. These figures did not include the murders meditated or suspected in the daytime soaps, but only the manslaughter specially arranged for children's programmes.¹²⁶ Albert Williams, writing in Saturday Review, noted that almost no choice existed in children's programming, as mostly adventure dramas were offered, which, in turn, caused kids to switch to the greater variety of adult fare. Robert Landry claimed an advertising aphorism was in existence during the 30's and 40's that children were allergic to kid's programs, and also stated that children preferred adult programs.¹²⁷

It is typical of pressure groups to be concerned with the youth of a society, because young malleable minds are still subject to corrupting influences.¹²⁸ It is interesting that the late night exercises in sluggings, muggings, shootings, murders and tortures, essentially aired as adult entertainment, apparently evinced no concern about any possible negative influence which they might have on the more "mature" elements of North American culture. Yet the greatest

hoax in the world (even greater because it was not planned as a hoax)—the 1938 broadcast of Orson Welles' Mercury Theater production of "The War of the Worlds" exquisitely illuminated the incredible gullibility, vulnerability and general unconsciousness of adult American radio listeners. The incident caused such embarrassment and mass hysteria that three years later many listeners refused to believe reports of the Pearl Harbour bombing; "they simply winked knowingly and waited for the commercial."¹²⁹ One might have expected that the audience reactions to the broadcast would have sparked a wave of indignation regarding the imitative effects of radio thrillers on adults, but all it created in the U.S. was a renewed battle regarding public vs private control of radio.

Canadian reaction to the broadcast paralleled the American attitude. The Globe and Mail found the broadcast "regrettable," and expressed alarm at radio's potential for enemy propaganda if unregulated. Though only one private Toronto station carried the broadcast, "War of the Worlds" was heard by many Canadians who received it directly from American stations. Reactions were mixed: Jerry Shea, manager of Shea's Hippodrome, said "they should all be arrested for allowing such a broadcast," A. J. Anderson, an M.P. for High Park, termed it "the next thing to sacrilege," Toronto Mayor Ralph Day and Controller J. D. McNigh hesitatingly suggested that frightening horror programs might be censored or eliminated, others claimed it was a cheap publicity stunt. The expressed concern was vaguely directed more toward the hoax and its political implications, than to the audience

effects.¹³⁰ Journalist Dorothy Thompson used the Welles broadcast as an argument against government monopoly control of radio; as evidence that popular universal education was failing to train reason, and logic in those educated; as proof that the popularization of radio was not an information tool promoting citizen skepticism, but rather led to mass gullibility; and as evidence of the power of mass suggestion cautioning against its use for the creation of mass prejudices. But no mention was made of the effects of horror and violence upon the audience.¹³¹ The issue of social control was essentially divorced from the issue of specific content.

A 1948 survey indicated that 15% of the radio audience singled out mystery and crime programs for criticism, a number exceeded only by those critical of radio's commercialism. Almost ten years after the radio industry had promised to clean up its airwaves, adults were still complaining that the plethora of gory "who-dun-its" were bad or too exciting for children, while citing them high on their own list of favourite programs.¹³² As Legman inferred above, no one lamented papa's prurient interests—only when Junior was unmasked as a nailbiter was concern expressed over deleterious social effects. Albert Williams urged communities to pass civic ordinances if they could prove that crime and horror programs impeded the preservation of law and order. He pointed out "the ease with which zealous citizens in hinterland cities could pass ordinances and what a flood of restrictions just one ordinance would generate throughout the entire country."¹³³ However, concern expressed by parents, teachers and psychologists, and the suggestions for action supplied by those such as Williams, never materialized

in legislative form.

Criticism of radio violence virtually expired in 1948, except for a few isolated incidents.¹³⁴ Though several serials still continued, attention shifted and television was now identified as the new causal factor in juvenile delinquency. Fifteen years of nagging complaints from parents, teachers, and child welfare organizations, countered by false promises from networks and advertisers, had ended, unresolved, and the same arguments were now transferred to "blood and thunder" on the home screen. In a scathing editorial written for Saturday Review, Norman Cousins complained about television programming citing horrendous acts committed in imitation of TV stories. He decried misuse of the entertainment medium and exploitation of the receptive trusting audience via violent programming and over-commercialization. He expressed disappointment at the lack of utilization of television's potential for creative entertainment and noted that for every worthwhile offering on the screen there was much garbage to watch. Cousins complained about the gross perpetuation of the myth denoting the average American's intelligence level to be that of a 12 year old, or reflected in the programming fare, and noted that such underestimation had already hurt movies, radio and some pulp magazines. He further pointed out that parental enjoyment of violent television implied a sanction of the actions shown, causing discrepancy in children's minds.¹³⁵ All were arguments previously employed against radio. According to a 1947 Variety survey, little real content change occurred in children's radio serials between 1933 and 1947.¹³⁶

Shelby concurs. No significant correlation was found in his study between amount of negative criticism, and time devoted to children's radio adventure melodramas.¹³⁷

Amidst the vociferous cries for a shut-down of shoot-outs on the radio, many calm, rational, rights-conscious individuals had also managed to express their views. Mrs. Sidonie Matsner Gruenberg, director of the Child Study Association of America, an organization concerned with research in child welfare, termed much of the protest "hysterical." She pointed out that the negative approach of imposed partisan preference was unproductive, and not an ethical improvement over the situation to which angry parents objected. The adage that "alarm is always more articulate than approval" was tossed into the forum—parental disapproval of existing programmes was vocal; little response was elicited when approved programmes were deleted from the schedule.¹³⁸ The psychologist Josette Frank extolled the escape function of serial dramas. She claimed children could find no adventure on city or suburban streets, in communities hedged with restrictions, in shrinking homes, ill-planned playgrounds and school routine. With radio, children could live dangerously yet remain within the secure frame of their homes, a radio function which she considered quite vital in middle class American childhood.¹³⁹

Valid, reliable and thorough social scientific research on the effects of crime programme listening on children was rare until a 1949 doctoral dissertation by Edward Ricciuti.¹⁴⁰ His review of the literature indicated that psychological research into the effects of habitual radio listening on

audiences was virtually non-existent. Human research obviously had not kept pace with radio's technical advancements.

Ricciuti noted that interest in children's reactions to radio programmes had been generated in 1931 by the advent of specifically child-oriented broadcasts. The Scarsdale study of 1933, mentioned above, was the first to receive wide public notice, but it and later studies were concerned with analysis or collection of data on listening habits, programme patterns, attitudes toward broadcasts, opinions of parents and teachers on the state of the broadcasting art or research into the effectiveness of commercials. Mothers' opinions and isolated incidents were touted as indicative of the possible pathology produced by habitual listening to crime and adventure programs

Ricciuti observed that broadcasters had accepted such evidence and reacted by modifying their programming without certainty as to the existence of relationships between habitual listening to specific types of radio programs the attitudes and behaviours of children. However, as indicated above, only NBC and CBS had altered their children's fare in response to public, if not social scientific, demand, and all networks continued to air adult crime and mystery shows.

In his research, Ricciuti studied listening habits of 3,125 public school pupils in the fifth to eighth grades. Over 90% of the children studied indicated that they listened to comedy-variety and to crime drama programs, Ricciuti interpreted this finding as largely due to the high availability of these genres, and claimed the high percentage reflected children's need for the tension-releasing experiences

of radio programs which supplied light entertainment and humour, and the tension-creating experiences offered by crime drama programs. He discovered that children were less interested in exciting programs with an openly expressed "crime does not pay" approach, than they were in straight murder-mystery drama, an attitude Ricciuti considered comparable to the popularity of mystery stories among adults. Anti-crime, crime-drama, daily adventure, modern music and soap opera programs, while not contributing anything positive to their listeners, were not found to be harmful to children in general. Contrary to the contentions of some parents, child study organizations and M. I. Preston (see below), no significant differences were found between listeners and non-listeners to crime-drama, anti-crime drama and daily adventure serials on measures of nervous habits, fears and daydreaming. He did conclude that different radio programs had different meanings for children of varying ages and suggested that parental guidance in radio listening was essential.

Azriel Eisenberg's painstaking and comprehensive research of 1935, involved data collection from children who reported their thinking regarding the influence of radio on their dreams, behavior, scholastic achievement, general knowledge, character and personality development. On the basis of the youths' reports, the beneficial effects of radio outweighed by far the harmful effect.¹⁴¹

M. I. Preston conducted a 1941 study which discovered that nervousness, generalized fears, fears of kidnapping, sleeping disturbances, eating disturbances, nailbiting, callousness, daydreaming in school, and sex interest were

more prevalent among movie horror and radio crime addicts than among non-addicts, and suggested parental control, restriction of frequency of indulgence, elimination of crime and horror stories, and substitution of suitable recreational and social pastimes as treatment for those adversely afflicted by their addiction.¹⁴² Ricciuti, whose findings conflicted with those of Preston, criticized her work on the basis of a biased sample (Preston's subjects were children who had sought private or clinical care). He further charged Preston had a preconception of detrimental results in her subjects from listening to, and watching horror and crime stories, an attitude reflected in her report. Like Ricciuti, Florence Heisler in 1948, also failed to find significant academic or personality differences between movie, comic book and radio serial addicts, and those who never or seldom indulged.¹⁴³

Josette Frank, in a 1948 review article of psychiatric opinion reported generally favourable attitudes toward radio adventure programs among the psychiatrists surveyed, though Dr. Augusta Alpert admitted concern about the cumulative effect of the threefold bombardment of children's minds by violence in radio, the movies and comics. Dr. Simon Tulchin cautioned against weighing the effects of thrillers in terms of an adult viewpoint rather than a child's reactions: while an adult views violence in a meaningful context, the child's lack of experience does not allow him/her to attach meaning to violent events. Dr. Reginald Laurie noted that when children had engaged in competitive and exciting play of their own, fewer of them listened to the radio, thereby supporting the aforementioned hypothesis that adventure, crime and horror

programs filled vicarious needs, when these needs were satisfied children no longer listened to blood and thunder.¹⁴⁴ Recurring comments such as these combined with the undeniable commercial appeal of the thrillers, probably comprise the explanation for the impotence of pressure group protests in America regarding "blood and guts" on the radio.

A relative lack of specific Canadian criticism of radio violence existed during this period of heavy American censure, which can only be somewhat arbitrarily explained. Lack of exposure to the crime programs was probably not a factor in the comparative absence of critical complaint—a 1938 survey of high school students indicated that 93% listened to American programs with their favourites in the comedy/variety field. More than half listened "habitually" to radio stories of American crime.¹⁴⁵ Similarly, a poll taken of an adult Toronto sample by The Canadian Forum, showed that 90% had radios, 80% of whom actually preferred American programming to Canadian, and the drama category was most favoured.¹⁴⁶ The U.S. network features held "great interest for Canadian listeners, particularly at night."¹⁴⁷ At the 1935 Conference on Canadian-American Affairs, Graham Spry summed up Canadian affinity for imported entertainment: "the radio audience of North America is North American, but the performance is American; the audience listens not to North America, but to the United States."¹⁴⁸ Paul Lazarsfeld found that 41% of his study group preferred mystery in the U.S. Since American adult airwaves also served large helpings of "blood and gore," it would therefore seem likely that the flow of the signals across the border allowed both Canadians and Americans to

indulge in the chiller thrillers, or at least offered the audience the opportunity for exposure to this type of material.¹⁴⁹

Major William Borrett, director of a Halifax radio station during the 1930's, viewed the influx of American broadcasting as of positive value in promoting international friendliness and understanding, qualities noticeably, but not seriously, impaired through irritation at obsessive American commercialism and chauvinism. According to Borrett, Canadians felt "too grateful for the splendour of the musical entertainment to complain of its setting in tooth-paste advertisements." The proliferation of "gangster" and "hold-up" radio pieces apparently produced in the Maritimes "disgust and a touch of contempt" for American life and institutions.¹⁵⁰ No mention was made of damage resulting to listeners of "gangster" and "hold-up" programs, though such evidence of motion picture influences is widely cited in the Canadian context. Canadian moral opposition to radio was far less marked than opposition to motion pictures; the appeal of nationalism was much stronger.¹⁵¹

A search of standard periodical indices, the index to the Parliamentary debates, and the New York Times index for the period in which American opposition to violence in radio drama strongly evidenced itself, failed to elicit a similar public outcry in Canada. Even Sergeant Renfrew, that illustrious movie example of Canadian justice, shining in his noble red Mountie uniform, was not terribly upset about the preponderance of violent radio serials on the radio air. In Renfrew of the Northwest Mounted (1937), he stood outside

a cabin and heard a tremendous commotion inside; the cabin door was artlessly bashed in and Renfrew leaped to the rescue. Upon finding a fellow officer listening to a crime serial on the radio, his rescue attempt thwarted, Renfrew merely shrugged and commented that there was nothing like a little radio violence for excitement. Such organizations as the Montreal Kiwanis Club did adopt resolutions connecting violent radio thrillers to juvenile delinquency and petitioned the 1944 Radio Committee for removal of this perceived social threat, but no legislative action resulted.¹⁵²

During the aforementioned 1935 conference on Canadian-American Affairs held at the height of the American protests against radio violence and crime from various pressure groups, discussion concentrated on variances between the defunct F.R.C. and the failing CRBC, especially regarding freedom of opinion in controversial matters. As Angus pointed out, the perceived threat to cultural nationalism was an important issue in Canadian radio opinion, as was a lengthy preoccupation with public vs private ownership systems, commercial vs sustaining programming, ongoing concerns regarding reception, licensing, controversial political and religious broadcasting, news censorship and of course, CRBC and CBC expenditure on programming. Perhaps, noting the futility of American lobbyists on the issue, Canadians recognized that international criticism of the offending programming could have little more success than did such protests to networks and advertisers from their neighbours to the south.

Canadian legal control over broadcasting included

investiture in the CBC of the power to control the character of any and all programmes broadcast by it or by private stations; but it had, of course, no control over the infiltration of the airwaves by American broadcasting.¹⁵³ A 1937 CBC regulation prohibited the broadcasting of anything contrary to the law—presumably a legal wizard could have prosecuted those responsible for airing any programs, even remotely advocating murder . . . but no such attempt was ever made.

During the 1944 proceedings of the parliamentary Radio Broadcasting Committee, the topic of radio violence emerged. When told that a Montreal Kiwanis Club had submitted a petition to the CBC regarding their displeasure at the number of crime serials and horror shows on the air, Auguste Frigon, CBC General Manager, agreed that the problem was a topic of CBC concern. He spoke of a committee composed of CBC members, advertisers and private broadcasters, newly formed to study the issue and hastened to point out that the CBC did not carry the broadcasts in question.¹⁵⁴ Frigon later suggested that private Canadian radio stations eliminate crime and horror shows from their broadcast schedules but official regulations were never made.¹⁵⁵

While debating a Criminal Code amendment in 1954, M.P.'s Hansell and Zaplitny offered suggestions to include radio and television in Sections 150-151 of the Code as media of publication whose program content could then be prosecuted when found to corrupt public morals.¹⁵⁶ Crime comics were banned and the comment was made that radio and television also depicted crimes, and should therefore be subject to the

same law. The comments appear to have been isolated and did not draw debate from the other Honourable Members. This aberrant incident would appear, from the index to the debates, to have been the only case where radio's transmission of crime stories drew Canadian House of Commons disapproval; the disapproval did not appear to have been taken seriously.

As mentioned above, it is logical for pressure groups to be concerned with mass media effects on the young, but it is surprising that more research was not done on adult reactions to radio content. Pressure group reactions to soap opera programmes almost paralleled that of radio violence and were similarly unsuccessful in attempts at legislative control.

Dr. Louis Berg, a New York writer and psychiatrist, began a crusade against radio soap operas in 1941. He considered serials dangerous to middle aged women, adolescents and neurotics because they furnished "the same release for the emotionally distorted that is supplied to those who derive satisfaction from a lynching bee, who lick their lips at the salacious scandals of a crime passionel, who in the unregretted past cried out in ecstasy at a witch burning."¹⁵⁷ Berg claimed physiological damage resulted from listening to the daytime serial: rising blood pressure, vasomotor instability, profuse perspiration, nightmares, tachycardia and gastrointestinal disturbances.¹⁵⁸ Others complained that the serials fed housewife insecurity by supplying simplistic moral solutions to problems, or lauded them for supplying "borrowed experience," thereby making the housewife's lot less dreary and serving two functions: escape, and a source of guidance in their daily lives.¹⁵⁹ Some groups suggested

that the soaps were unwholesome because they dealt with murder, insanity, medical operations, jealousy . . .¹⁶⁰

In March 1940, Westchester women's clubs reported that their "I'm not listening" campaign, a boycott of objectionable, demeaning radio soap operas and cliff hangers, had spread to 39 states. At a luncheon with radio executives, the women were told that audiences would not enjoy programs of a higher quality and as long as the soap operas profitably peddled their product, they would continue to be aired.¹⁶¹ In 1946, the FCC suggested that broadcasters should cease "piling up" soap operas during the morning, resulting in a counter-attack from the NAB regarding attempted imposition of control and hindrance of freedom of speech.¹⁶²

The soaps were criticized for ignoring larger social problems, emphasizing instead more personal life aspects. As with the crime serials, networks responded by injecting some social realism into the story: when crime show bad guys became wartime enemies, soap plots involved war bond sales, and race relations were treated in their scenarios as a means of easing tensions in the army. Campaigns were launched against drug abuse and VD, and advocated pap smears; heroine Stella Dallas even began working in a munitions factory.¹⁶³ While crime and horror programs, subsisted on variations of one theme: the chase,¹⁶⁴ soap operas revolved around five domestic issues,¹⁶⁵ and one major plot: getting the characters out of a long series of "troubles."¹⁶⁶ Frankel commented that crime story heroes were invariably ordinary individuals with rough edges, stamina and hearts of gold; villains were sophisticated, educated, spoke precisely and

fluently and inferred a dilemma for children's character identification.¹⁶⁷

Soap opera goodies and baddies might be similarly reduced to a dilemma-inducing situation. The soaps had three basic characters: the weak, the good and strong, and the villain; the latter two fought over the weak one and determined his/her fate. The philosophical orientation of the plots flattered and thereby reinforced the prejudices of the audiences. Men were discriminated against: twice as often as women, men were the source of other people's problems. Difficult situations were frequently resolved by women who were more competent than the men who were supposed to do the particular job. A middle class flavour prevailed in the radio soaps: rich people were belittled and saved from their ineptitude by a common middle-class individual; labourers were practically non-existent.

Paul Lazarsfeld nonetheless considered these radio stereotypes an improvement over those in motion pictures; he claimed the latter dealt mainly with the wealthy whose experiences were far removed from that of ordinary men and women. He reported in his study with Herta Herzog that no evidence existed to substantiate claims that radio serials made women less responsible citizens and led them into emotional difficulties.¹⁶⁸

The Women's Institute of Audience Reactions surveyed housewives and reported that the serials made work seem lighter; they provided guidance and inspiration; they also supplanted reading, thereby saving eyes and time; they provided an escape from personal troubles; created anticipa-

tion and suspense in routine lives; satisfied an appetite for entertainment and finally, and by no means less important, they dispelled loneliness. Over 20,000,000 women were found to listen to radio serials daily. Louis Berg discounted the advantages cited by such listeners and compared housewife anxiety, which he claimed was induced by the soaps, to that produced by enemy propaganda. He believed this parallel could lay the ground for civilian panic in emergencies and would sap the productive energies of afflicted individuals in all their essential efforts. Like Lazarsfeld, however, NBC psychiatrists did not discover pathology in those who listened to radio soap operas.¹⁶⁹

While parents waved banners against their children's radio fare, their own favourite daytime serials were also a subject of unresolved controversy regarding listener ill effect and night-time horror remained unconsidered in this regard. This inconsistency never emerged outside Legman's lamentations, though it should have been evident.

As late as 1950, isolated incidents cropped up of complaint against media violence in radio, though these usually involved conjunct disapproval of television fare. Jack Gould of the New York Times complained that both radio and television had used murder, mayhem and assorted felonies to inexpensively fill their summer replacement schedules.¹⁷⁰ While not expecting or demanding a ban of mystery shows he did feel "a lurid tale about a two-timing wife and her husband who was beaten to death with a beer bottle" was inappropriate to follow Jack and the Beanstalk on a Saturday morning radio schedule. Gould counted 85 separate time

periods on radio during a week in July of 1950, in which violence was a major theme and lamented that TV was "just as bad." He appreciated that the need for economy of time necessitated major emphasis on action, thereby sacrificing suspense and characterization, but pleaded for moderation and self-control among the broadcasters. He optimistically rationalized the preponderance of radio and television violence by stating that ultimately the then current preponderance of radio and television violence and crime would be tempered by the public itself. His astute perception of a rationale for violent programs was somewhat deflated by his naive comparison of the public temperment toward violence to that of the rampant give-away shows, inferring the eventual demise of both genres: from a 1976 perspective, his absurd naivete is obvious. Public demand has kept crime, violence and soap opera neuroticism on the air despite the complaints of social scientists, social agencies, and concerned individuals.

Summary

Radio was a crude toy in its embryonic period, but was carefully nurtured into infancy by technological improvements shared in a "patent pool" among the manufacturers. Public acceptance of the medium was almost instantaneous and the communications neonate rapidly matured into a huge industry. Though regarded as villainous by newspaper and magazine publishers who feared the advertising threat, and by phonograph manufacturers, cinema, theater and circus industrialists who felt their audiences dwindle, the listening public was

initially enthralled by radio and its programmed entertainment. Through radio, the world entered homes via a simple turn of the dial and millions of people borrowed experience from their electric companions.

Radio was lauded for its democratic nature, termed a communications medium for the masses and in true democratic fashion its right to, and practise of, freedom of speech was proclaimed often by broadcasters, industrialists, critics, educators and politicians.

But radio is not and never has been free. Technical, financial, and creative limitations all operate as gate-keeping parameters even from the initial stages of attempted access to the air waves. Broadcaster bias, political influence, presumptuous protection of public naivete, commercial appeal regardless of intrinsic worth, all operate as prior censors in addition to legal restrictions filtering programmes from the public view. The most effective censor of all, the on/off switch was only the last element in a long line of perusals. Great Britain is characterized as having a broadcasting system which is highly controlled; the United States claims its system is based on freedom of speech; Canada has taken elements of the best and worst of both ideals: public network ownership has offered an intelligent cultural alternative to the private, commercially dependent sector, though both occasionally have allowed freedom of enterprise to over-ride freedom of speech. All three systems have worked well for their respective countries: all three countries, regardless of their broadcast philosophies, have had similar problems regarding the treatment of views on any subject which are

dissimilar to accepted societal norms—political, religious, social censorship can all operate to reinforce the status quo, or serve as educative alternatives; it would appear that neither policy has operated consistently in any of the three nations.

The issue of violence in radio caused national concern only in the United States, perhaps because no other land had quite the same abundance of killing on the radio airwaves broadcast solely for the sake of its macabre commercial potential for feeding the audience fascination with sadism. Despite an early lack of empirical evidence on harmful, beneficial, or indifferent effects of listening to radio horror, controversy based upon personal opinion and isolated incidents was apparent throughout the 1930's and 40's with regard to children's programming only; adult radio fare was not subject to severe criticism for its violent content. After 1948, attention was diverted from radio program content to a concern with television crime and violence, using all the same arguments and protestations which had been employed in criticism of radio "blood and thunder."

While parents held radio responsible for their children's sleeplessness, nightmares and nervous habits, psychiatrists were of two basic opinions. One school held that children needed the outlet for aggression offered by mysteries, thrillers and crime programs; the opposition believed aggression could be channelled more beneficially in other directions and that catering to the appetite for violence cultivated it. Concurrent with public criticism was a decision by some networks to broadcast mystery at later hours only, thereby still attending to adult preferences, while "protecting" the malleable minds

of youth; other networks actually increased the time devoted to adventure programs for children. No correlation was found between the amount of negative public criticism and the amount of air-time devoted to the offending adventure thrillers.

Studies undertaken with children found no essential differences between habitual listeners to radio crime and violence, and non-listeners; another found pathology in the former group. Studies with habitual listeners to soap operas (which had also been criticized for their preoccupation with crime, murder and verbal violence) were similarly discrepant: some studies found pathology, others could discover no difference between listeners and non-listeners.

Although lobbying groups existed in the United States and, to a much lesser degree, in Canada and Britain, the three countries never perceived a need for official prophylactic measures against the social disease of glorified radio gore.

ENDNOTES

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²W. G. Ogburn and S. C. Gilfillan, "The influence of invention and discovery" in Recent Social Trends, (New York: McGraw-Hill, 1934), pp. 152-7.

³B. K. Sandwell, "Radio free speech: the pitches are limited," Saturday Night, January 19, 1952, Vol. 67, pp. 4-5.

⁴ether: "the air [rare]" according to Webster's New Twentieth Century Dictionary (Cleveland: World Publishing Co., 1968), p. 627, but actually quite acceptable in the radio literature of yore (and to Oxford).

⁵Alvin Harlow, Old Wires and New Waves (New York: Arno Press, 1971 [1936]), p. 445.

⁶Ibid., p. 449.

⁷The U.S., however, did not adopt this Morse distress signal until 1912, after the Titanic disaster.

⁸Erik Barnouw, A Tower in Babel (New York: Oxford University Press, 1966 A History of Broadcasting in the United States, Vol. I), pp. 27-28.

⁹Ibid., p. 29.

¹⁰Harlow, pp. 468-9.

¹¹Ibid., p. 470.

¹²The "widespread public demand" cited by Harrison B. Summers, Radio Censorship (New York: Arno Press, 1971 [1939]), p. 53 is described by Barnouw as pressure from the armed forces, specifically the navy, A Tower in Babel, p. 31.

¹³Barnouw, pp. 32-33.

¹⁴4-5 E. VII., C. 49.

¹⁵Or a reflection of totalitarian public manipulation, depending upon one's consciousness.

¹⁶Harlow, p. 469. Of course, to extend this idea, one would have to believe in the collective public spirits of the U.K. and Canada.

¹⁷Asa Briggs, The Birth of Broadcasting (London: Oxford University Press, 1961, A History of Broadcasting in the United Kingdom, Vol. I), p. 39.

¹⁸Memorandum to Edward J. Nally, Vice-President and General Manager, Marconi Wireless Telegraph Company of America,

September 30, 1915 (reproduced in Looking Ahead, the papers of David Sarnoff (New York: McGraw Hill, 1968), pp. 31-33.

¹⁹Peter Goldmark, "Communication and the Community," Scientific American, September, 1972, pp. 143-150; Edwin Parker and Donald Dunn, "Information technology: its social potential," Science, 176:1392, June 30, 1972.

²⁰Robert Edward Davis, "Response to Innovation: a study of popular argument about new mass media," Ph.D. dissertation (Iowa City, Iowa: University of Iowa, 1965), pp. 28-30.

²¹Barnouw, p. 79; Paul Schubert, The Electric Word (New York: Arno Press, 1971 [1928]), p. 238.

²²Llewellyn White, The American Radio (New York: Arno Press, 1971 [1947]), pp. 27-28.

²³Ibid., p. 29. Whether A. T. & T. performed a public service by instituting commercial sponsorship has yet to be decided.

²⁴Quoted in Frank W. Peers, The Politics of Canadian Broadcasting 1920-1951 (Toronto: University of Toronto Press, 1969), p. 11.

²⁵Barnouw, pp. 172-178.

²⁶Ibid., p. 196.

²⁷Ibid., pp. 157-8.

²⁸Proceedings of the Fourth National Radio Conference [U.S.], cited in Caldwell, pp. 468-9.

²⁹Barnouw, p. 195.

³⁰Caldwell, p. 471.

³¹Writing in 1929, Robert E. Sherwood claimed the radio audience had been "glutted" by music of varying quality. He cites the strain placed on the listener's imagination as the reason for the non-success of radio drama. "Beyond the talkies," Scribner's Magazine, July 1929, Vol. 86, No. 1, pp. 1-8.

³²Barnouw, pp. 230-1.

³³Frederick Lewis Allen, Only Yesterday (New York: Harper, 1951), pp. 295-320.

³⁴Barnouw, p. 237.

³⁵Vita Lauter and Joseph H. Friend, "Radio and the censors," Forum, December 1931, pp. 359-66.

³⁶KFKB Broadcasting Ass'n, Inc. v Fed. Radio Comm., 47F. 2d. 670 (App. D.C. 1931).

³⁷Barnouw, pp. 258-9.

³⁸"Radio regulation and freedom of the air," Harvard Law Review, Vol. 54, No. 6, April 1941, p. 1222.

³⁹Paul M. Segal, "Recent trends in censorship of radio broadcast programs," Rocky Mountain Law Review, Vol. 20, No. 4, June 1948, p. 371.

⁴⁰"Radio program controls: a network of inadequacy," The Yale Law Journal, Vol. 57, No. 2, December 1947, p. 280.

⁴¹Stockton Helffrich, "The radio and television codes and the public interest," Journal of Broadcasting, Vol. XIV, No. 3, Summer 1970, p. 267.

⁴²New York Times, August 15, 1934, 12:2; New York Times, August 23, 1934, 13:5. In 1945, upset with radio's status quo, the Michigan Catholic actually suggested that the Legion of Decency extend its influence beyond motion pictures to radio. White, pp. 123-4.

⁴³Robert Shaw, "Forms of censorship," Hollywood Quarterly, Vol. I, 1445-6, pp. 199-210.

⁴⁴Briggs, p. 49.

⁴⁵Ibid., pp. 52-3.

⁴⁶Ibid.

⁴⁷Ibid., p. 97.

⁴⁸Manchester Guardian, August 15, 1922 (cited in Briggs, p. 91).

⁴⁹Briggs, p. 173. The latter attitude was also prevalent in the U.S. and Canada.

⁵⁰Ibid., pp. 235-239.

⁵¹Ibid., pp. 269-270.

⁵²Ibid., pp. 212-275.

⁵³John William Albig, "The content of radio programs 1925-1938," Social Forces, V. 16, March 1938, pp. 338-349.

⁵⁴Briggs, p. 360.

⁵⁵Report of the Broadcasting [Crawford] Committee, 1925 (Cmd. 2599, London, 1926) para. 16 (quoted in Peers, p. 7).

⁵⁶Briggs, pp. 358-9. Caution nonetheless continued to

be exercised regarding controversy due to influence of British political parties and sensitivity regarding international affairs after 1936.

⁵⁷Val Geiglud, British Radio Drama, 1922-1956 (London: Harrap, 1957), pp. 163-179. Gieglud cites four "occasions of offence" which caused debate in Britain over the efficacy of broadcast freedom . . . due to their results he terms them "milestones of progress."

⁵⁸Peers, p. 20ff.

⁵⁹Ibid., pp. 27-29.

⁶⁰E. Austin Weir, The Struggle for National Broadcasting in Canada, (Toronto: McClelland & Stewart, 1965, pp. 14-17. Debate continues whether the incentive for networking radio in Canada was one of nationalistic fervor, or defensive anti-Americanism.

⁶¹Peers, p. 26.

⁶²House of Commons, Debates, April 12, 1928, pp. 1951-2.

⁶³Canada Gazette, LXII (1929), p. 2306.

⁶⁴Weir, p. 122.

⁶⁵Ibid., p. 125.

⁶⁶Ibid., p. 131.

⁶⁷New York Times, February 21, 1932, III 6:4.

⁶⁸Ibid.

⁶⁹Canadian Association of Broadcasters, "A Statement of Policy on Freedom of Broadcast Publication," brief to Royal Commission on Broadcasting (Fowler) 1956, p. 2.

⁷⁰Weir, pp. 188-189; House of Commons, Debates, April 16, 1935, p. 2778 ff.

⁷¹Weir, p. 188.

⁷²Ibid., pp. 149-151.

⁷³Weir, pp. 187-8.

⁷⁴Ibid., pp. 200-2.

⁷⁵R. B. Tolbridge, "Private radio's wedge" Canadian Forum, July 1946, V. 26, No. 306, pp. 82-84.

⁷⁶J. E. Hodgetts, "Administration and politics: the case of the Canadian Broadcasting Corporation," Canadian Journal of Economics and Political Science, Vol. XII, No. 4, November 1946, p. 465.

⁷⁷Charles Bowman, "Canadian broadcasting," Queen's Quarterly, Vol. XLIV, No. 4, Winter 1937-8, pp. 507-8.

⁷⁸Peers, pp. 259-260.

⁷⁹Weir, pp. 262-267.

⁸⁰William F. Swindler, "Wartime news control in Canada," Public Opinion Quarterly, Vol. 6, Fall, 1942, pp. 444-449.
W. H. Kesterton, A History of Journalism in Canada (Toronto: McClelland and Stewart, 1967), pp. 201-2.

⁸¹Asa Briggs, Golden Age of Wireless (London: Oxford U. Pr. 1965), pp. 650-4.

⁸²Asa Briggs, The War of Words (London: Oxford U. Pr. 1970), p. 40.

⁸³Erik Barnouw, The Golden Web (New York: Oxford University Press, 1968), p. 156.

⁸⁴Don Jamieson, The Troubled Air (Fredericton: Brunswick Press, 1966).

⁸⁵"Radio panic not new," Saturday Night, Nov. 5, 1938, p. 1.

⁸⁶Peter Odegard, The American Public Mind (New York: Columbia University Press, 1930), p. 224.

⁸⁷see n. 31, above.

⁸⁸Barnouw, The Golden Web, p. 6.

⁸⁹Ruth Palter, "Radio's attraction for housewives," Hollywood Quarterly, Vol. 3, 1948, pp. 248-257.

⁹⁰New York Times, Feb. 10, 1924 reproduced in David Manning White, Popular Culture (New York: New York Times, 1975), p. 211.

⁹¹Sydney Head, Broadcasting in America (Boston: Houghton-Mifflin 1972), p. 167.

⁹²Alden Nowlan, "Ah! That golden age of radio drama!" Atlantic Advocate, April 1970, p. 75.

⁹³Gershon Legman, Love & Death (New York: Hacker Art Books, 1963 [1949]), p. 93. Erik Barnouw, Handbook of Radio Writing (Boston: Little Brown & Co., 1939), pp. 135-6, 187.

⁹⁴Jim Harmon, The Great Radio Heroes (Garden City, N.J.: Doubleday 1967), p. 26.

⁹⁵Ibid., p. 37.

⁹⁶Irving Settel, A Pictorial History of Radio (New York: Grosset & Dunlop, 1967 [1960]), p. 68. Arthur Mann, "The Children's Hour of Crime," Scribner's Magazine, Vol. 93, No. 5, May 1933, p. 313. In H. P. Longstaff's study, mothers reported that they frequently bought the advertised products children asked for, and continue to buy them if the children ate or enjoyed them. Longstaff noted the success of this advertising method, but reported that 38.4% of mothers studied had an unfavourable attitude to this commercial form (37% favourable, 23.4% neutral). These results caused him to urge program and commercial improvement. "Mother's Opinions of children's radio programs," Journal of Applied Psychology, June 1937, V. 21, pp. 265-79.

⁹⁷Harmon, pp. 65-66.

⁹⁸Ibid., p. 41.

⁹⁹Nowlan, p. 76.

¹⁰⁰Brock Brower, "A lament for old-time radio," in Settel, p. 12.

¹⁰¹Paul Lazarsfeld, Patricia L. Kendall, Radio Listening in America (New York: Prentice Hall, 1948), p. 22.

¹⁰²Legman, p. 51.

¹⁰³Robert J. Landry, "Wanted: radio critics," Public Opinion Quarterly, Vol. 4, Dec. 1940, pp. 620-9.

¹⁰⁴Cited in Llewellyn White, The American Radio (New York: Arno Press, 1971 [1947]), p. 123.

¹⁰⁵Laurence Laurent, "A critic looks at reviewing," Journal of Broadcasting XI: 16, Winter 1966-67.

¹⁰⁶"The children's hour," The Nation, Vol. 136, No. 3535, p. 362, April 15, 1933. It is interesting to note that complaints sometimes alluded to an inability to retire a child "on schedule" (Mann, p. 313). Perhaps parental concern in some cases, stemmed more from decreasing privacy than from any ill effect their offspring suffered.

¹⁰⁷Allen Raymond, "Static ahead!" New Outlook, July 1933, p. 20.

¹⁰⁸Davis, p. 268.

¹⁰⁹Ibid., p. 249.

¹¹⁰Robert J. Landry, This Fascinating Radio Business (New York: Bobbs-Merrill, 1946), p. 147ff.

¹¹¹"A new deal for youth," New York Times, September 10, 1933 X, 7:5.

¹¹²William Shriver, "Radio and television," Catholic World, No. 1028, Vol. CL XXII, Nov. 1950, pp. 144-6.

¹¹³Lanfranco Rasponi, "Dr. Watson Speaks Up," New York Times, Oct. 6, 1940, reproduced in David Manning White, p. 247.

¹¹⁴"Hand that rocks cradle shakes a warning finger at radio," Newsweek, Vol. 6, July 13, 1935, p. 29; New York Times, May 14, 1935, 10:3.

¹¹⁵"Wanted: shows that won't upset young digestions," Newsweek, Vol. 6, July 6, 1935, p. 26.

¹¹⁶"Hand that rocks cradle shakes a warning finger at radio," Newsweek, p. 29.

¹¹⁷Davis, p. 33.

¹¹⁸Maurice E. Shelby, Jr., "The possible influence of criticism on network radio programming for children," Journal of Broadcasting, Spring 1970, Vol. XIV, No. 2, pp. 222-3.

¹¹⁹"Radio gore criticized for making Children's Hour a pause that depresses," Newsweek, Vol. 10, November 8, 1937, p. 26.

¹²⁰Variety, March 8, 1939, p. 40.

¹²¹"New Code for the broadcasting industry," New York Times, July 12, 1939, 7:1.

¹²²Shelby, p. 221. In 1946, 14 hours per week were solely devoted to this genre.

¹²³Davis, p. 268.

¹²⁴Albert N. Williams, "And a little child shall lead them," Saturday Review, February 8, 1947, pp. 26-27.

¹²⁵L. Frankel, "In one ear," Nation, April 26, 1947, Vol. 164, No. 17, p. 481.

¹²⁶Gilbert Seldes, The Great Audience (New York: Viking Press, 1950), p. 128.

¹²⁷Williams, pp. 26-7, Landry, This Fascinating Radio Business, p. 154.

¹²⁸Frederick Elkin, "Censorship and pressure groups," Phylon, Spring 1960, Vol. 21, No. 1, pp. 71-80.

¹²⁹Poyntz Tyler, Television and Radio (New York: H. W. Wilson, 1961), p. 8.

¹³⁰Globe and Mail, Nov. 1, 1937, p. 1,6. Interestingly, a similar panic reaction occurred in Calgary as a result of a 1944 commercial for the Victory Loan program. For 2 1/2

hours the city was filled with consternation after hearing a broadcast which had involved a simulated German landing in Canada, as in the Wells/Welles broadcast, the "simulation" was not evident to all listeners and a panic ensued. Station CFCN later apologized, claiming it had not written the commercial, no official action was taken. Canada Radio Broadcasting Committee, Minutes and Proceedings, No. 6, May 10, 1944.

¹³¹Dorothy Thompson, "Lessons from the Welles broadcast," Saturday Night, Nov. 12, 1938, V. 54, p. 10.

¹³²Lazarsfeld and Kendall, p. 52.

¹³³Williams, pp. 26-27.

¹³⁴Davis, p. 269, Shelby, p. 217.

¹³⁵Norman Cousins, "Time Trap," Saturday Review, December 24, 1949, p. 20.

¹³⁶Cited in Davis, p. 247.

¹³⁷Shelby, p. 226.

¹³⁸Sidonie Matsner Gruenberg, "Radio and the child," Annals of the American Academy of Political and Social Science, January, 1935, pp. 123-134.

¹³⁹Josette Frank, Comics, Radio, Movies -- and Children, Washington Public Affairs Committee, p. 15.

¹⁴⁰A condensed version of Edward Ricciuti's dissertation done at Fordham University appears as "Children and radio: a study of listeners and non-listeners to various types of radio programs in terms of selected ability, attitude and behaviour measures." Genetic Psychology Monographs, 1951, V. 44, pp. 69-143.

¹⁴¹Azriel Eisenberg, Children and Radio Programs (New York: Columbia University Press, 1936).

¹⁴²M. I. Preston, "Children's reactions to movie horrors and radio crime," Journal of Pediatrics, 1941, V. 19, pp. 147-168.

¹⁴³Florence Heisler, "A comparison between those elementary school children who attend moving pictures, read comic books, and listen to serial radio programs to an excess with those who indulge in these activities seldom or not at all." Journal of Educational Research, 1948, V. 42, pp. 182-190.

¹⁴⁴Josette Frank, "Chills and thrills in radio movies and comics," Child Study, V. 25, Spring 1948, pp. 42-48.

¹⁴⁵J. F. Angus (ed.), Canada and her Great Neighbour

(Toronto: The Ryerson Press, 1938), pp. 144-5.

¹⁴⁶Philip Spencer, "We went to the people," The Canadian Forum, Vol. 21, April 1941, pp. 22-24.

¹⁴⁷Angus, p. 145.

¹⁴⁸Graham Spry, "Radio broadcasting and aspects of Canadian-American relations," in W. W. McLaren et al., Conference on Canadian-American Affairs, Proceedings (New York: Ginn and Company, 1936), p. 106.

¹⁴⁹Lazarsfeld and Kendall, p. 22. This preoccupation with crime and adventure via the radio was not reflected in the American reading habits of the 1930's. Douglas Waples, People and Print (Chicago: University of Chicago, 1938).

¹⁵⁰Angus, pp. 145-6. A survey of rural school children in Manitoba, few of whom had ever visited the U.S. were very wary of the 'crime,' 'murder,' 'kidnapping,' 'inefficient police' which they viewed as over-abundant in America—whether this impression was derived from the radio or sensational press is not clearly explained, pp. 379-380.

¹⁵¹Ibid., pp. 124-410.

¹⁵²Globe & Mail, Mar. 10, 1944, p. 10.

¹⁵³1 Edw VIII, Chap. 24, S22(c).

¹⁵⁴Canada, Radio Broadcasting Committee, Minutes and Proceedings, No. 3, April 19, 1944, p. 158.

¹⁵⁵New York Times, Dec. 31, 1944, II, 7:5.

¹⁵⁶House of Commons, Debates, April 1, 2, 1953-4, Vol. IV, p. 3591, 3613.

¹⁵⁷Madeline Edmondson and David Rounds, The Soaps, (New York: Stein and Day, 1973), p. 15.

¹⁵⁸Reported in Landry, This Fascinating Radio Business, p. 287.

¹⁵⁹W. Lloyd Warner and William E. Henry, "The radio daytime serial: a symbolic analysis," Genetic Psychology Monographs, 1948, V. 37, pp. 3-71; Herta Herzog, "On borrowed experience; an analysis of listening to daytime sketches," Studies in the Philosophy of Social Science, 1941, Vol. 9, No. 1, pp. 65-94; Irving Bacheller, "The Vulgarly of Frivolity," World Wide, May 21, 1932, Vol. 32, No. 21, p. 756.

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¹⁶¹Radio 'love' held vital to profits," New York Times, Mar. 16, 1940 reproduced in David Manning White, Popular Culture, p. 242.

¹⁶²Edmondson, pp. 234-5.

¹⁶³Ibid., pp. 240-5.

¹⁶⁴Frankel, p. 481.

¹⁶⁵Orrin E. Dunlop Jr. "Spinning endless yarns," New York Times, Feb. 11, 1940, reproduced in David Manning White, Popular Culture, p. 241.

¹⁶⁶Paul Lazarsfeld, What We Really Know About Daytime Serials (New York: Columbia Broadcasting System, 1942).

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¹⁶⁸Lazarsfeld, What We Really Know About Daytime Serials, n.p.

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CHAPTER VII

COMICS: THE EXCEPTION OF PRESS CENSORSHIP

Introduction

Freedom of the press, an established fact of twentieth century Canadian, British and American life, once again became an issue of intense debate, moral campaigning, pervasive extralegal censorship, and even legislated censorship in the forties and fifties. This time it was crime and horror comic books which became the focus of concern. Under the deceptive name of "funnies," they had been on the market for nearly ten years before parents, educators, religious groups and governments discovered the "shocking nature of their stories." Three precedents were set during the controversy which are important as new forms of social control over the mass media.¹

For the first time, professional and "scientific" opinion was fully represented on both sides of the censorship issue, originally inspiring, and thereafter sustaining, the twenty year battle against the comic books. Rallying the support of parents were the familiar Comstockian figures; the self-appointed guardians of youthful morality. However, once aroused to the potential dangers of comic book reading, vast networks of grass roots organizations emerged, and all over the world citizens' groups combatted the internationally distributed "Yankee comics." By the twentieth century, Canadian, British and American governments had assumed the

role of protector of press freedom. During the years of controversy over the control of comic book content, these governments abdicated their role to condone blacklisting and other extralegal censorship practices. Thus, the comic books became the exception to the growth of twentieth century press freedom in these countries. With psychiatric, educational, religious, parental, and governmental sympathy on the side of censorship, comic book contents were restricted by industry self-regulation in the United States, customs restrictions in Britain and, in Canada, by a Criminal Code amendment.

The Comic Strip

The comic book had its immediate origin in the newspaper comic strip. The first comic book was simply a collection of popular newspaper strips, published in book format.² Yet, in style and content, the comic book is more akin to the children's story papers or "pulp" of the late nineteenth and early twentieth century. P. M. Pickard has called the comic book "a species of the penny dreadful" and noted a continuity of such characters as highwayman Dick Turpin.³ Another popular culture historian, James Steranko, traces the connection between the pulps and the comic book:

In the late nineteenth century the 'bloody pulps' were selling in the millions, exploiting every subject imaginable: western, war, adventure, mystery, horror, science fiction—with an incredibly undisciplined vitality—built circulation on the public's voracious appetite for heroics. When the pulps approached saturation point, marketers found in the comics a new way to sell their product and thus came the Golden age of the Comics.⁴

While the newspaper strips were generally disregarded in discussions of comic book violence, several critics imply

that violence in comic books was a culmination of the growing preponderance of violence in the strips during the 1930's. Bruce Hutchinson's content analysis of newspaper strips revealed that 100 per cent of the strips were comedy in 1911. In 1939, they were 29 per cent violent content, while in 1966, violence had been reduced to 16 per cent of the total. Before the thirties, non-comical strips were kept to a minimum in most Canadian, British and American newspapers. The Toronto Star carried no serious strips in its Canada-wide weekly and only two in its daily.⁶ The early comics were all comedy for its own sake. The thirties used comedy just to lighten heavy drama. By the fifties a third major transition in comic strip style lead to a proliferation of strips aimed at specific audiences. Violence was minimized and replaced by representations of "types of common humanity."⁷

The strips have been interpreted as functioning as a retreat from reality. As the harsh realities of the real world changed, the world of the comic strip changed to offer the appropriate escape. Thus, the early twenties, featuring strips like Blondie and Dagwood provided "an escape from reality into the old American Dream-life untrammelled by economic cares."⁸ These characters had only trivial worries that were easily corrected. A different cultural expression was created for the harsher atmosphere of the thirties. The strips became compulsively concerned with power. Aaron Berkman, the sociologist, writing in the thirties, describes this phenomenon:

Today, attuned to the times the comic depicts the lives of gangsters, G-men, Babbitry, Alger book heroes—in fact, the whole social and cultural outlook of the

average American is here presented to the . . . student [the ideological content of the average American's mind]. In fact, the comic strip may be said to contain, within itself, the kind of 'neurosis' from which the public suffers and to which newspapers cater. . . . No doubt, the success of the comic strip lies partly in the fact that it is delivered in a form easy to digest. It is presented in small doses, affording temporary release. . . . The rugged individual, his desire to share the vicissitudes of fortune with his fellow man suppressed by the philosophy of dog eat dog, seeks solace from a harassing reality in the movies, the comic strip—venting his affections upon fictitious characters and Hollywood shadows, which, at their best, act as a mild laxative.⁹

It was a Canadian, Harold Foster, who began the trend toward increased violence in the strips. In 1929, Foster illustrated "Tarzan of the Apes" whose instant popularity inspired "Buck Rogers," "Flash Gordon," "Dick Tracy," "Terry and the Pirates" and many more "adventure" strips.¹⁰ The strip "Dick Tracy" aroused considerable protest against its preoccupation with violence when it first appeared in 1931. "With Dick Tracy, the first civil murder was committed in the funnies."¹¹ Several papers dropped the strip's more lurid and brutal episodes but when it was conceded that violence in a context of unrealism was acceptable, the strip became immensely popular.¹²

The value of the new violence in the strips was debated, though not widely. Gilbert Seldes, denounced the new violence as merely a gimmick:

I have nothing against the solution of violence of delicate problems, but . . . the snap ending of a blow, or failing that, one character in consternation at the brilliance of the others' wit, flying out of the picture with the cry of "ZOWIE," indicating his surcharge of emotion . . . is not the same thing as the wilful violence of Mutt and Jeff, where the attack is due to the malice or stupidity of one character, the resentment or revenge of the other.¹³

On the other hand, violence in comic strips is excused

with assertions that the violence is rarely realistic, and the heroes always uphold community values, and propagate the American way of life, however watered down or exaggerated.¹⁴ In addition, the strips can claim that while crime rates were increasing, strip violence decreased at a 50 per cent faster rate.¹⁵

When the controversy over crime and horror in comic books began, The Newspaper Comic Council was formed to publicly enhance the differences between the strips and the comics.¹⁶ Though numerous critics did not discriminate between the two forms of comics, the strips were not singled out as "objectionable." Several plausible reasons for strip sanctity in the face of imminent comic book censorship have been advanced. First, newspaper editors, themselves, censored the strips. The creators of "Superman" originally planned it as a strip but when they could find no newspaper editor to accept the story, it appeared in comic book format.¹⁷ Thus there was a tendency from the beginning for the comic books to accept and issue more violence than newspaper editors would allow. Of greater significance, however, was that newspaper strips were generally considered to be adult reading while the comic books were marketed specifically for children whose morals, it is believed, are more susceptible to corruption.

Evolution of the Comic Book

Although several collections of strips had been published prior to 1929, the comic book was not popular until after this date. At first, all comic books were simply extensions of the newspaper strip reading habit. Many were

produced as premiums to boost newspaper circulations or the products of companies such as Proctor and Gamble. Famous Funnies, published by Eastern Colour Printing in May of 1934 was still just a collection of reprints but, in format, it was the first modern comic book. Then, between 1934 and 1936 comic books appeared containing original stories. In essence, the modern comic book, in both content and format had appeared. These early comics were, in the true sense of the word "funnies" bearing titles such as More Fun and New Fun, published by Major Malcolm Wheeler. But, the "funnies" did not corner the market. As early as 1937, the first of the bold, sensational comics, Detective Comics, was issued by Harry Donnenfeld. "A new tendency toward the incredible, fascinating, horrifying, thrilling, was beginning in the strip [during the same period] but the heroes of the comic books were to make strip heroes look like sissies."¹⁸

Superman was first issued in Action Comics in 1938, then came Batman, Wonder Woman, Captain Marvel, Terry and the Pirates and a plethora of hooded heroes. It was the costumed superhero syndrome which set the comic book industry on its feet and that has remained the most consistently popular. All these superheroes were features in special World War II issues, fighting the Nazis and the Japanese, both at home and abroad. There were even encounters staged with Hitler himself. "World War II provided a most natural habitat for these hooded people to whip around in. Japanese and Nazi spies were roped in by the thousands as supermen tore around America cleaning it up."¹⁹

"But there is more in comic books than fantasies of

fisticuffs."²⁰ Among the most "objectionable" were western gunfighter stories, crime and detective stories, war and action comics like Frontline Combat, some science fiction such as Wierd Science, suspense in Suspenstories and horror as portrayed in Tales from the Crypt and Vault of Horror. Of these, horror was the most popular. Yet, there were also "good" comic books produced by Dell Publishers and William Gaines (EC comics). In 1942, Dell Comics began to feature the Disney animal characters in comic book stories. There is "a strong and persistent moral impulse behind all of the animal comics . . . part of their intent is education" stated their publisher.²¹ William Gaines was involved more directly in education, publishing comics entitled Picture Stories from the Bible and Picture Stories from American History.²²

Comic Books in Britain

During World War II, American soldiers were provided with war and superhero comic books with their rations. The soldiers passed them onto children in Allied and occupied countries and inadvertently created a world market for the American comic book industry. Immensely popular among children, the contents of American comic books became a universal concern to parents and governments.

The first comics for children in Britain were produced by Alfred Harmsworth (later Lord Northcliffe),²³ founder of Amalgamated Press. His intention was to produce funny, harmless pictures and stories for children to combat the influence of the "penny dreadfuls." Harmsworth's publications included Comic Cuts and Chips which consisted of strip-like cartoons

interspersed with jokes. Both were immensely popular between 1890 and 1950 selling at a halfpenny and undercutting the market for the "penny dreadfuls."²⁴

The British comic books, a combination of instruction and information, lost their appeal to the British children who had been introduced to American comics during the War. When the "Dollar Bar" prevented the importation of comics, printing moulds of entire comics, together with copyrights were sold to British publishers. American horror, crime and superhero comics cut drastically into the pre-war circulations of Harmsworth's comics.²⁵

The Canadian Comic Book Industry

In Canada, World War II created, rather than disrupted, a comic book industry. On December 6, 1940, the Canadian government, to conserve foreign exchange credits, passed the War Exchange Conservation Act which forbade the importation of certain "non-essential" items into Canada from non-sterling countries. The list of banned material included comic books. Toronto publisher Cyril Vaughan Bell stepped in to fill the vacuum.

Bell's first comic book, WOW, included episodes of Edmund Legault's "Dart Daring," the dare-devil master swordsman, and "Whiz Wallace," a U.S. navy pilot transported to the Invisible Planet. Although this first issue was in full colour, Bell found the colour process too lengthy and expensive and thereafter produced what were to be called the Canadian "Whites." Bell's comics, even without colour, were immensely popular in the absence of American competition. However when

the ban was lifted, Bell ceased publication, unable to compete with the influx of multi-coloured American comics.

During the War, Bell produced five adventure titles: WOW, TRIUMPH, ACTIVE, DIME and COMMANDO HEROES; two pure humour titles: JOKE and DIZZY DON; and four featuring all-Canadian tales: Dixon of the Mounted, Nelvana of the Northern Lights, Derek of Bras D'Or and Johnny Canuck. His heroes, spies, detectives, war heroes, costumed heroes, and western heroes, were strikingly similar to the Captain Marvels and Supermen south of the Border. The All-Canadian heroes, like their American counterparts, fought Nazis and Japanese across the ocean. In all, Bell produced two million comics in the course of the War. His only major competitors, Anglo-American Publishing Company, produced primarily re-drawn American strips of Captain Marvel.

Bell asserts that he never allowed his comics to get "dirty" or unduly violent:

A lot of our artists had quite a sense of the macabre and they used to hang around the morgue or the emergency departments of the hospitals to see how dead people lay, or how it looked when a doctor shoved a hypodermic needle into somebody. They wanted to be able to draw that sort of thing accurately. And the artists were young fellows, and pretty much interested in sex. But we never allowed anything like that into our books. Our books had our own censorship committee, which was mainly me, and our books were clean.²⁶

Michael Hirsh and Patrick Laubert, authors of an intensive study of the Canadian comic book industry, retort:

In this claim, Bell has either broad standards or a poor memory. He's right about keeping explicit sex out of his plots, but his five non-humour titles had a high percentage of violent deaths and a goodly percentage of downright sadism. The latter often involved lush-bosomed young women -- in scanty, clinging clothes -- at the mercy of drooling torturers from prehistoric times or other planets or, most often, from Nazi Germany.²⁷

Violent Content

A brief glance at the pages of most comic books of this period is sufficient to convince anyone that violence predominates. However, there is more to this type of violence than meets the eye. Marilyn Graalfs did a content analysis of 351 comic books in 1954 and concluded:

Violence can be portrayed both pictorially and verbally in comic books. Among fantasy stories, particularly, violence is underestimated if only actions shown in the frames are counted. The types of characters, plots, and settings contribute to violence by identifying them with realistic people and events.

Example: A story used for its plot a Pied Piper theme. The Piper tells the animals to revolt against their slave conditions. When they attack, the hero refuses to listen to objections from the villagers when he kills the animals by destroying a bridge. "Don't you understand all those animals have learned to hunt humans and they will pass that hatred on to their descendants if we let them?" The story ends with the caption: "Where are the descendants of those animals today? Ever catch your cat staring steadily at you in the firelight or watch a horse look back at you as you cross behind him?"

Language may be used to heighten the degree of horror by (1) encouraging the reader to anticipate it;

Example: This first tale of Death and Suspense will keep you chilled to the bone right up to the terror-filled conclusion! The blood spills fast and often as Hazel [main character who murders husband] reaps the reward of a successful murder.

(2) reinforcing superstitious notions about supernatural beings;

Example: "Who can doubt the age-old horror of cosmic ghouls that roam the earth in search of prey . . . of countless things that walk by night," is the preface to a story about werewolves.

(3) describing the feelings and attitudes of characters which cannot be revealed to the reader through pictures;

Example: As a man gropes toward the figure of a woman outlined behind a lighted dressing screen, the caption above says, "Now you know why you were so interested in her white alabaster skin . . . the beautiful red lips, the creamy neck . . . now you know. He says, "Can't wait any longer . . . must go to her . . . must kill,

kill, kill!" The last frames show he is a werewolf.

and (4) replacing pictures of brutality.

Example: A woman kills her husband with a kitchen knife. Picture shows blood on the knife but no injury on the husband's body. "The rapier sharp blade sliced him directly between the shoulder blades. . . ." Then the woman dragged him to the pen where a crazed bull was kept. Caption: "Even a stomach as strong as Hazel's couldn't stand the sight of the Bull's attack on Ezra's corpse. Gaggling she turned and fled back to the house."

Finally, the sequence of events may in the absence of either words or pictures of any action create horror.

Example: The story is about a man who gets entangled in a swamp. One frame shows him in the swamp and a huge vulture circling above in a downward direction. The next frame shows the man being carried out on a stretcher with bandages over his eyes.²⁸

It is apparent that, even if pictorial representations of violence were removed from the comic books, numerous techniques remain by which violence would still predominate. In the face of such techniques, controlling violent content becomes an arduous task.

The Public Outcry

Despite the violent nature of the comic books and their vast circulation,²⁹ the first public outcry did not come until 1940. Children's author Sterling North was first to articulate what were to become standard, yet more heated criticisms of the comic books in the Chicago Daily News:

Badly drawn, badly written, and badly printed—a strain on young eyes and young nervous systems—the effect of these pulp-paper nightmares is that of a violent stimulant. . . . Their crude blacks and reds spoil the child's natural sense of colour, their hypodermic injections of sex and murder make the child impatient with better though quieter stories . . . the shame lies largely with the parents who don't know and don't care what their children are reading. It is with the unimaginative teachers who force stupid, dull twaddle down eager young throats, and, of course, it lies with

the completely immoral publishers of the "comics"—guilty of a cultural slaughter of the innocents. But the antidote to the 'comic' magazine poison can be found in any library or good book store. The parent who does not acquire that antidote for his child is guilty of criminal negligence.³⁰

North's condemnation of the comic books was not directly responsible for any concrete action to control their content. However, New York psychiatrist Fredric Wertham expanded North's criticisms, enriched them with clinical evidence and began a vigorous, personal campaign against the comic books in 1946. Within a year, the American public was demanding regulation.

The culmination of Wertham's seven-year investigation was the publication of Seduction of the Innocent (1953).

Wertham clearly concludes throughout the book:

It is our clinical judgment, in all kinds of behaviour disorders and personality difficulties of children that comic books do play a part . . . [they are] a contributing factor not to be neglected. . . . The study of one factor does not obliterate the importance of other factors. . . . Our research has proven there is a significant correlation between crime comics reading and the more serious forms of juvenile delinquency. . . . Crime comics are an agent with harmful potentialities. They bring about a mass conditioning of children, with different effects in the individual case. A child is not a simple unit which exists outside of its living social ties. Comic books themselves may be the virus, or the cause of a lack of resistance to the social virus of a harmful environment.³¹

Yet his critics condemn him primarily for being too simplistic in attributing the cause of juvenile delinquency to the crime and horror comic books. Wertham's own words refute these allegations. As a psychiatrist, he acknowledges the complexity of the situation and did not believe that portrayed violence would be simply translated into actual violent acts. Wertham regarded the comic books as a significant aspect of the child's environment³² which may exert an

influence along any of the following lines:

- 1) The comic-book format is an invitation to illiteracy.
- 2) Crime comic books create an atmosphere of cruelty and deceit.
- 3) They create a readiness for temptation.
- 4) They stimulate unwholesome fantasies.
- 5) They suggest criminal or sexually abnormal ideas.
- 6) They furnish the rationalization for them, which may be ethically even more harmful than the impulse.
- 7) They suggest the forms a delinquent impulse may take and supply details of technique.
- 8) They may tip the scales toward maladjustment or delinquency.³³

The greater portion of Seduction of the Innocent is description of actual cases in which the comic books have been identified as the seducer. Bombarding parents with this "evidence" was a highly effective means of forcing all those concerned with children's welfare, to take a stand on the issue and press for legal action. Wertham proposed legal control of children's comic books as the only effective remedy to the evils he discovered. He noted, however, a traditional barrier:

People are always ready to censor obvious crudity in sex. But they have not yet learned the role of temptation, propaganda, seduction and indoctrination in the field of crime and violence.³⁴

The Censorship Issue

Wertham was not alone in suggesting censorship as an appropriate solution. Margaret Mead, in 1955, suggested censorship as a means of protecting the young.

Mass communications—movies, television, paper books—bring us up against the fact that in such media it is impossible to discriminate between children and adults. We can keep children under sixteen out of theatres or movie houses, keep their allowance so low that they cannot afford to buy expensive books, and train librarians to hide books that are regarded as unfit for children. But where the child, with a turn of the dial or an easily earned quarter, can listen or look or read with no adult present to censor, this becomes impossible.³⁵

And Walter Lippmann, in 1954 concurred:

Censorship is no doubt a clumsy and usually a stupid and self-defeating remedy for such evils. But a continual exposure of a generation to the commercial exploitation of the enjoyment of violence and cruelty is one way to corrode the foundations of a civilized society. For my part, believing as I do in freedom of speech and thought, I see no objections in principle to censorship of the mass entertainment of the young. Until some more refined way is worked out for controlling this evil thing, the risks to our liberties are, I believe, decidedly less than the risks of unmanageable violence.³⁶

More extreme in his interpretation, social critic Gershon Legman condemns "our culture [where] the perversion of children is an industry"³⁷ with the observation that, "where institutionalized violence appears in history it is the last resort of bankrupt civilizations sick and reeling to death."³⁸

On the opposite side of the censorship issue fears that controls would expand into broader censorship once instituted. Anti-censorship opinion based on definition of "freedom of expression" was articulated by Robert J. Blakely:

We seem to be tending, almost by tacit agreement, to regard freedom of expression as a private right to be restricted like other private rights when they are abused instead of a public right that cannot be restricted without damage to the general welfare. True, dark irrational forces have been discovered, both in the individual and in the society, but how were they discovered? By rational analysis. And what is the alternative? Certainly not irrationality. True, the margins of permissible error in the modern world are narrower than used to be. But how do we avoid or minimize error? Certainly not by being ignorant of alternatives or of relevant facts. Freedom of expression from the social point of view is the right of citizens to hear all arguments and to look at all proofs and the responsibility to let others do the same.³⁹

The Psychiatric Defence

Along with the banter concerning the value and appropriateness of censorship, numerous psychiatrists took issue

with Wertham's interpretation of the value of comic books in children's lives. Although "every child who was six years old in 1938 had by now [1948] absorbed an absolute minimum of 18,000 pictorial beatings, shootings, stranglings, blood puddles and torturings to death from comic books alone,"⁴⁰ many psychiatrists continued to defend them as merely healthy outlets for pent-up emotions. "So long as our children's books will not give them the sense of 'aliveness of modernity,' of speedy action, they will turn increasingly to the comics."⁴¹

Among psychiatrists who defend the comics on the basis of elaborate psychological theories, the most vocal are Josette Frank, Sidonie M. Gruenberg, Lauretta Bender, and Reginald S. Laurie. All agree that "the motivation toward unsocial acts lies much deeper than any casual content with ideas on a printed page."⁴² Contrary to Wertham, comic books serve as valuable aids to the child's psychological development and social adjustment, though they may be harmful for children who are already maladjusted.

Children apparently progress through three stages in comics reading, from funny animal type, to adventure, crime and mystery and finally to educational comics. In each of the three stages, the comics perform different functions contributing to the child's development. In the earliest stage, comics provide a projection of the child's self in characters that are plausible in behaviour and set in every day domestic situations. In the second stage, the comics allow for ego inflation through identification with the superhero. Progressing through the second stage, the child realizes the incredulity of past heroes but, still needing a

hero for identification, chooses more plausible ones. Finally, by the third stage (approximately age 13), the child demands psychological reality and comics serve an encyclopedic function for direction in the real world.⁴³

Psychiatric opinion contends that,

So far corrective tendencies in comic writing from censors, self-appointed or otherwise, have tended to sterilize the comic as a means of satisfying the psychological needs of children. To remove fantasy, or to reduce comics to the true and real, tends to make them more threatening and productive of anxiety, because they offer no solution to the problems of aggression.⁴⁴

The mass media not only facilitate personality growth, but enrich the child's experiences. Action, suspense, hostility and adventure provide an opportunity for the child to come to grips with his anti-social impulses by satisfying vicariously what might otherwise develop into aggressive acts.⁴⁵ The corollary to this statement is that "when enough thrills and excitement are actually experienced, the vast majority of children have no need" for these vicarious experiences.⁴⁶ The solution, then, is not the over-solicitous parent, shielding children from all potentially harmful influences. A positive approach rather than a negative one is suggested. Parents are charged with the responsibility of developing the child's equipment for more critical appraisals of comics and other media of entertainment through expanding their fields of experience.⁴⁷

These psychiatrists do not ignore the possibility that representations of horror and violence may adversely affect youthful minds. However, they propose that:

No matter how weird or violent they may be, programs do not create disturbances. But given a child who evidences

disturbance, one must question the effect of the stimulus on this particular child. Pathology enters the picture when the emotional disturbance persists over a long period and is palpably heightened by this type of experience.⁴⁸

Even among disturbed children, the banning of violent comic books and other entertainment is not advised.⁴⁹ Again, the onus is on parents to know their children to ensure an appropriate balance of activities. A good balance of activities would include not only other types of reading but helping children develop constructive activities, organizing sports activities and community centers, and widely publicizing the achievements of youth, offering rewards to encourage children's aspirations.⁵⁰ It is stressed, that in the psychological sense, aggression is not synonymous with hostility and fighting is not the only satisfying outlet. In this respect, education is criticized for its lack of resourcefulness and its ignorance of means to deal with frustration.

One very different but relevant point of view is worthy of examination. The comic books are considered a very special educational tool by Lovell Thompson in his 1942 study. By reading comic books, "you can have the twentieth century all at once instead of day by day."⁵¹ The comics, Thompson suggests, are preparing today's children for becoming tomorrow's leaders. If parents, therefore, cannot sanction children's reading material, they should close their eyes to it. This futurist tendency was a matter of concern to the United States government during World War II. Comic books were screened before exportation as potential purveyors of information of American scientific experimentation. All

references to atomic bombs in Superman comics were deleted and even the publishers could not understand why until Hiroshima.⁵²

Amid all the arguments on behalf of children, too often the child's opinion is ignored. As an example, one articulate young man was very much aware of the hypocrisy of censorship.

Next we questioned a regular subscriber. He told us that people who called themselves grown-up made him tired. He and his schoolmates only read their comics for seven years. Grown-ups had forty-nine years of being grown-up—seven times longer than children—to read what they liked.

The child glanced round the playground where we were standing, selected a stone, threw it at a passing cat, missed it, then said that he understood there was a time when children read Grimm and Andersen and Beatrix Potter and liked and believed in the stories they told. Grown-ups, he said, with their newspapers, picture-papers, radios, and wars every twenty years, had knocked the bottom out of romance. 'Then you turn round and growl at us and our comics. And you grown-ups, you read frightful murder books, too, about detectives and crooks, and magazines like True Romance and True Detective and Wild West, and most of the films you see are just plain awful.' He then asked if we had seen a recent advertisement for a horror film: "If you like your mental beef-steak underdone, here it is . . . Gory, Ripe, and Red! In "They Met in the Dark," weird horrors and the unspeakable terrors! A chilling thrill in every scene." 'Arr!' said the child, 'you make me tired.' He reached for another stone.⁵³

It is obvious that the reports of psychiatric opinion display wide differences in interpretations of the potential harm or value of comic books.⁵⁴ Nevertheless, amid the confusion, the public was aroused on the side of censorship.

American Control of Comic Book Content

One of the first American groups to speak out against crime and horror comics was the National Office For Decent Literature. The NODL was established by the Catholic Bishops of the United States in 1938 to "set in motion the

moral forces of the entire country . . . against the lascivious type of literature which threatens moral, social and national life."⁵⁵ The organization attempted to coordinate activities and supply information to all interested groups, regardless of religion. At first, the NODL was concerned primarily with magazines and paperback books but since 1947 it has also been evaluating comic books. The NODL organized volunteer reviewing committees of approximately 150 members to evaluate comics as "acceptable," "borderline" or "objectionable." Four out of five reviewers had to judge a publication objectionable before any action was taken. NODL Parish Decency Crusades were organized to visit newsstands, distribute its objectionable lists and secure the removal of those publications listed. Citizens' Committees were also encouraged by the NODL to organize public officials, educators, and all those concerned with youth to sponsor legislation. The NODL Code reads as follows:

The National Office for Decent Literature has been established to safeguard the moral and spiritual ideals of youth through a program designed:

- 1) to remove objectionable comic books, magazines and pocket-size books from places of distribution accessible to youth;
- 2) to encourage the publishing and distribution of good literature;
- 3) to promote plans to develop worthwhile reading habits during the formative years.

The NODL fulfills its function, in part, by offering to responsible individuals and organizations an evaluation of current comic books, magazines and pocket-size books based on clearly defined, objective standards. The Code followed explicitly defines objectionable reading for youth.

Publications listed as objectionable are those which:

- 1) Glorify crime or the criminal.
- 2) Describe in detail ways to commit criminal acts.
- 3) Hold lawful authority in disrespect.
- 4) Exploit horror, cruelty or violence.
- 5) Portray sex facts offensively.
- 6) Feature indecent, lewd or suggestive photographs or illustrations.

- 7) Carry advertising which is offensive in content or advertise products which may lead to physical or moral harm.
- 8) Use blasphemous, profane or obscene speech indiscriminately and repeatedly.
- 9) Hold up to ridicule any national, religious or racial group.⁵⁶

The General Federation of Women's Clubs, representing a national membership of four million also appointed volunteers to visit newsstands, list the titles that were available, and the names of the purchasers. In this way, the GFWC could track down readers and purchasers of objectionable comic books to exert a personal, and therefore more powerful, influence.⁵⁷

The Cincinnati Committee on the Evaluation of the Comic Books was founded on May 25, 1948 as a result of the inspiration of Dr. Jesse L. Murrel. Its members included a broad cross-section of the community, from religious groups, educators, juvenile court judges, librarians, and representatives of Parent-Teacher Associations.

Originally, the Cincinnati Committee policy was to improve comic content by means of cooperation with publishers and distributors. When these activities failed to produce effects, the Committee developed a code and criteria to judge the comics and rate them as "no objection," "some objection" and "objectionable." Each comic book was evaluated on this scale in terms of its cultural, moral and emotional impacts. The resulting evaluations were widely distributed across the United States and Canada and were published annually in Parents' Magazine.⁵⁸ In 1957, the Committee ceased compiling complete evaluations because, in its terms, it "had put itself out of business."⁵⁹

The Child Study Association followed a similar program of action. In 1943 and again in 1949, the Children's Book Committee of the Association published a survey of the comic book industry. No titles were named since they were very elusive. Rather, trends in comic book content, and "guidelines" for parental selection of good comic books were proposed in detail. The Association preferred a process of education and selection to that of censorship and imposed regulation.⁶⁰

On the local level, spontaneous reactions against comic books were numerous. More than fifty cities had sought action against the sale of comic magazines by 1948. Some had passed local ordinances regulating their sale; others had set up censorship committees. Thirty-two bills or resolutions to curb comic books were introduced in state legislatures in 1949, although none passed. Only one, in New York, passed both houses, and it was vetoed by the governor. However, in May 1955, New York state did make it illegal to sell "obscene and objectionable comics" to minors and use such words as "crime, sex, horror, terror" in titles of comic books.⁶⁰

Municipal action such as the following was widespread:

- 1) Working together, Indianapolis magazine distributors, city officials, and civic groups banned 35 comic books.
- 2) Detroit police had forbidden the sale of 36 comic books at local newsstands in advance of censure that was threatened.
- 3) Hillsdale, Michigan, had banned the same books prohibited in Detroit. This action was taken under a Michigan statute outlawing "obscene, indecent, and immoral literature."
- 4) Civic leaders in Centralia, Washington, had appealed to the comic book publishers to tone down their materials.⁶¹
- 5) Parochial students of St. Cyrils Parish, Chicago and St. Patricks school, Binghamton put the torch to

heaps of comic books and priests urged a boycott on stores and newsstands selling comic books.⁶²

At least fifty cities had "banned, burned or blasted" many of the "objectionable" comic books. The industry finally felt the pressure, and, in July of that year, fourteen major publishers formed the Association of Comics Magazine Publishers. To protect themselves from criticism and restrictive legislation, the publishers adopted a code of ethics and urged members to abstain from publishing "sexy, wanton comics"; glorified or sympathetic treatments of crime; "details and methods of a crime committed by a youth"; vulgar and obscene language; and scenes of sadistic torture. However, the members belonging to the association represented only thirty per cent of the comic book industry. Some of the largest publishers refused to join the association (Dell, Fawcett; William Gaines; and National Comics Publications) because they believed their comic books above reproach.⁶⁴ Dell's statement applauded the Comics Association in their elimination of horror and terror comics but took exception to the rest of its platform which would only regulate rather than eliminate all questionable comics.⁶⁵

Criticism of the comics continued despite the attempt at self regulation. Finally the American federal government took a look at the comics during the proceedings of the "Special Committee to Investigate Organized Crime in Interstate Commerce" under the leadership of Senator Estes Kefauver (1950). The investigation of the influence of comic books on juvenile delinquency received only incidental attention, and no recommendations evolved from the contradictory reports presented.⁶⁶ Again in 1952, a congressional

committee, the "Select Committee on Current Pornographic Materials," chaired by E. C. Gathings, dealt with comic books as only a secondary concern. The Committee was primarily concerned with obscenity and pornography in magazines and pocket books. The Gathings Committee recommended that all publishers should remove, on their own initiative, "objectionable" literature to avoid federal legislation.⁶⁷

The most recent and extensive government study of the comic books was conducted by the Senate Committee of the Judiciary to Investigate Juvenile Delinquency known as the Kefauver Senate Committee. The Interim Report (March, 1954) of the Committee deals extensively with the contributions of crime and horror comics to juvenile delinquency. After intensive questioning of comic book publishers, psychologists and other interested parties, Senator Kefauver stated his belief that

. . . this Nation cannot afford the calculated risk involved in the continued mass dissemination of crime and horror comic books to children . . . The Committee flatly rejects all suggestions of governmental censorship as being totally out of keeping with our basic American concept of a free press operating in a free land for a free people . . . Standards for such products, whether in the form of a code or by the policies of individual producers, should not be aimed to eliminate only that which can be proved beyond doubt to demoralize youth. Rather the aim should be to eliminate all materials that potentially exert detrimental effects.⁶⁸

Thus, the United States government placed the responsibility for cleaning up the comics in the hands of the comic book industry. At the same time, however, vigilante citizens' groups were praised for their anti-comic book campaigns and urged to continue pointing out potentially harmful material.

With the advice of the Kefauver Committee, the industry

formed a new self-regulatory group, the Comic Magazines Association of America with Charles F. Murphy as the director. Murphy banned "horror" and "crime" comic books and announced a new code of performance similar to the earlier one. Again, Dell refused to join but agreed to co-operate with the association.

Murphy was confident of raising the industry's standards when he stated, "ours is a code with teeth in it. In fact it is one of the strongest codes ever adapted by a communications medium."⁶⁹ All comic books abiding by the code received the Association's seal of approval. Vigilante committees were urged to pressure newsdealers to suppress the offensive comic books without seals.

Although the code was created primarily for industry self-defense, it proved suicidal for some. The code, though vague, was sufficiently narrow to eliminate the worst offenders. Within six months, out of 5,000 stories screened, 200 were rejected and 1,300 were revised before publication. Advertising was cleaned up and all advertisements for guns and knives were banned.

The Association's seal of approval had an incredible cathartic effect on a public incensed over comic book violence; it allowed almost everyone to forget about the comics. Yet, according to Wertham, the code really did nothing to remove crime from comic books. All it did was disguise violent actions "in a hypocritical aura of good taste providing that certain things never be depicted realistically. The overall effect was that murder looked more like a game under this new seal of approval."⁷⁰

Although the code made legislation unnecessary, it is doubtful that any pending legislation would have been passed since excesses similar to those which appeared in the comics could be found in any other medium, and could hardly have been prohibited by constitutional legislation.⁷¹ But the primary barrier against legislative action was the legal precedent set by the United States Supreme Court in 1948.

"Today Winters v. New York stands as the case of main reliance for those who defend as a constitutional right the existence of crime and violence in the various printed media."⁷¹

Under New York penal law which prohibited publications "principally made up of . . . pictures or stories of deeds of bloodshed, lust or crime," 2,000 copies of Bargains in Bodies, being sold by Winters, a book dealer, were seized. The publication was predominantly crime and bloodshed, illustrated with gruesome pictures of victims. The book dealer was originally convicted, the conviction was upheld in higher courts, and then reversed by the United States Supreme Court. The final decision asserted that although such words as "obscene," "lewd," "lascivious," "filthy," "indecent" or "disgusting" were "well understood through long use in the criminal law," "massing stories to incite crime" and "stories of deeds of bloodshed and violence" were too "vague" and "unclear." Winters was acquitted and the New York law was abolished.⁷³

Control of Comic Books in Canada

In Canada, though opinion on both sides of the comics issue mirrored that south of the border,⁷⁴ the end result

was legal censorship. Not until the late forties were Canadians mobilized against crime and horror magazines, again primarily the result of Fredric Wertham's inspirational campaign.

The comics campaign began in Canada in 1947 when circulation was estimated at 60 million comics sold annually with nearly four out of every five Canadian children reading them.⁷⁵ Although the Victoria, B.C. Parent-Teacher Association and the Imperial Order Daughters of the Empire both claim to have purged Canada of this menace, Edward Davie Fulton, Tory member of parliament from Kamloops, B.C. was primarily responsible for the Canadian legislation.

On October 18, 1948, the Kamloops Parent-Teacher Association sent Fulton a representative bundle of comic books which they believed to be "poisoning" the minds of their children. Fulton, shocked by their content, made a thorough investigation of the content of the comics, the trade volume, the distribution channels, and the records of the alleged effects on children. Fulton's findings confirmed his belief that action should be taken. Fulton drafted and introduced a bill in 1948 to amend the Criminal Code to ban crime comic books and prosecute publishers and distributors.

The debates on the Fulton Bill were extensive. Speakers included judges and school board members and numerous other informed opinions were voiced.⁷⁶ The Minister of Justice, the Honourable Stuart S. Garson, summed up the debates as follows:

when publishers and disseminators of various kinds of crime comics and obscene literature are heartened and emboldened by this concern of ours for the preservation of literary and artistic freedom, and become steadily more impudent in their degradation of that freedom so

that they transform freedom into license, the time comes, and I think we all agree that it has come when we must take further action to curtail offences.⁷⁷

The above statement was probably inspired by Fulton's speech in which he stated:

Even if there were only one case of a crime, the commission of which was influenced by crime comics, even if the enactment of the bill only prevented one murder, one crime of violence being committed by a juvenile, I would say that the act, if passed, would have served its purpose.⁷⁸

The revised bill to outlaw crime comics by an amendment to the Criminal Code was passed unanimously by the House of Commons.⁷⁹

The bill was then referred to a standing committee of the Senate which heard testimony from comic book publishers. The publishers almost convinced the Senators that comic books did not have an adverse moral effect on children. However, when they displayed their wares, their arguments lost all credulity.⁸⁰ The Senate passed the Fulton Bill by the overwhelming majority of 91 to 5.

An article in a 1949 issue of Saturday Night catches the spirit with which news dealers greeted the new law.

The prospect of two years in jail threw many of the 10,000 retail news dealers into panic. Every one of them was compelled to act as censor of the comic books (up to 175 titles) on his shelves. Unable or reluctant to make the fine distinction between "fun" comics and "crime" comics, the dealers began sweeping all of them off their displays and cancelled orders for new ones. The word that gave most trouble was 'substantially': would comics like "Dick Tracy" come under the ban?⁸¹

After the initial panic subsided, a committee of publishers, distributors and printers met to decide which of their comics would be affected by the new law. They drew up a list of twenty-five titles which were immediately discontinued. This joint decision offered dealers some security that those titles remaining were acceptable.⁸² Though not agreeing that crime and horror comics were injurious to the youthful

mind, they decided to appoint a group of "qualified" persons to periodically scrutinize all comic books.⁸³

The new comics law remained almost dormant and citizen's groups continued to press for regulation. The first test case was dismissed when Magistrate G. H. Rose of the Alberta Police court ruled that "Underworld Detective" did not fall under the definition of the Act. The Defense Counsel, S. J. Helman suggested that the government should set a standard of what is saleable under the new amendment and further, that the Customs Act should be amended to conform with the new legislation to give customs officials the power to refuse crime comic books as they do obscene publications.⁸⁴ Numerous other cases were tried but were dismissed due to the ambiguity of the Act.⁸⁵ Fulton, noted in a House of Commons Debate in 1954:

I suppose that no legislation of itself will do the job. There has to be in the public mind an insistence upon enforcement as well as an awareness of the problem.⁸⁶

A year later, three Montreal news dealers were found guilty under the comics legislation and fined \$1,000 and costs each. Before handing down his decision, Judge Cloutier said:

Youth read this macabre material with avidity . . . much money is amassed by this exploitation of public morbidity and severe sentences up to two years in penitentiary for individuals are provided by law. . . . The stories depicted in the crime magazines which were submitted in this case can be classified as 'crime tragedies' rather than 'crime comics.' Certainly poisoning the hearts and souls of our youth must be stopped and a severe warning must be given to those who distribute such stories . . .⁸⁷

The precedent setting success of the Montreal cases were largely the result of vigilante activities of the Bureau for Prevention of Juvenile Delinquency and the Montreal Council of Women. Assistant Inspector Ovilla Pelletier made

a public announcement urging the public to buy any "objectionable" comic books they found and mail them with the dealer's name and address to the Bureau so that prompt action could be taken.

After the passage of the Canadian legislation, numerous American groups, most notably, the United States Council of Women, corresponded with their Canadian counterparts asking for information on the origin and operation of the Canadian law. However, Canadian legislation seemed to work no better than did the American self-regulation. Fulton's conclusion that the success of regulating provisions is dependent upon a "public mind," aware of the problems and insistent upon enforcement, was proven in both Canadian and American outcomes.

British Control of Comic Books

By the early fifties, the anti-crime-and-horror-comic-book crusade was widespread in Britain. Parent-Teacher organizations were first to recognize the danger and appeal to parliament for legislation. The British government maintained that press freedom could not be restricted and that the comics issue was one with which parents and teachers must deal outside the realm of law. Yet the volume of public protests grew and with them appeals to the government to take action. And still, the British government refused to institute any more direct censorship against British publishers of American comics to complement its ban on the importation of "objectionable" American comics.⁸⁸ Therefore, it was left to the "public mind" to effectively censure crime and horror comics. This time, in the absence of industry self-regulation or

government regulation, the concerned British public successfully combatted the "Yankee" comics.

The British Comics Campaign Council was organized by parents and educators to examine the comics and report on their findings. The report was published and distributed widely to put pressure on publishers. Most of the comic books simply changed their titles to avoid boycotting.⁸⁹

Also, the Author's World Peace Appeal convened a panel which endeavoured to put out an evaluation list along the lines of the American Cincinnati Association to help parents in selecting appropriate comics for their children.⁹⁰

A society called the Company of New Elizabethans was founded by children's author Miss Noel Streatfield, to combat the "vicious, degrading contents of modern so-called comics" and raise parents' awareness of their content.⁹¹

The London Times expressed the prevailing British opinion in an article by Neville Sandelson:

This [better education] is being jeopardized by those comics which are of a particularly vicious kind with the nastiest sort of appeal to the changing instincts of adolescents . . . the onus is on officialdom to show at least that these comics are not a contributing factor [to juvenile crime]. Since these publications are universally recognized as pernicious what objection can there be to their prohibition. . . . It is, I know, a matter of grave concern to many head-masters in areas where these comics are being distributed and local education authorities are of course helpless in the matter. In an age of uncertain values and deficient faith the least that society can do is to extirpate obvious evils.⁹²

The Chairman of the Royal Society for the prevention of Cruelty to Animals put some of the blame for increase of cruelty by children on the "Yankee Comics":

We do not want to prosecute children, but, certainly cases during the last year were so bad we had no alternative but to bring them before the juvenile courts.⁹³

The public maintained that it was impossible for parents to effectively control the reading matter of adolescents. A petition signed by thousands, asking parliament to ban production, import and distribution of American-style comic books was the most influential in the subsequent legislation. Finally in 1955, the Children's and Young Person's Act was rushed through parliament after archbishops and government officials were persuaded to examine some of the offending comic books. Yet it was the "obscene," and references to sex that were their prime concerns rather than violence and horror.⁹⁴

Beginning in 1950, several publishers attempted to combat the influence of American comic books with the publication of comics more suitable for children, and which upheld the British tradition of combining good quality juvenile literature with excitement and adventure. Hulton Press published Eagle which reached a million circulation very quickly. Other publications followed such as Amalgamated Press' School Friend (1950), and Thompson and Company's Lion (1951).⁹⁵ With the public censure of crime and horror comics and the availability of these appealing but "wholesome" comics, the popularity of the American imports began to wane.

Comic Books and Television

Fredric Wertham believed that the amount of violence offered children by television was derived partly from crime comics. He found obvious connections in qualitative aspects of violence as well; in "the connection of violence with other things—family life, sex, daily living, absence of tragic

feelings, etc.—and the details themselves."⁹⁶ Wertham continues:

For a while before 1945 it seemed that the crime-comic-book industry had a monopoly on the brutalization of children. Now it has some competition from television and the other media so children may get the idea that violence is natural from any or all of the media . . . TV is on its way to become the greatest medium of our time . . . the hopes it raises are high, even though its most undoubted achievement to date is that it has brought homicide into the home.⁹⁷

Wertham advanced the same criticisms against television violence as he did against comic books and proposed a code for television.

Saturday children's television is the most obvious link between the comics and television. A study conducted by Earle F. Barcus found that one-third of the story time dealt predominantly with crime and its solution. More than one-half of the stories included active chase scenes and twenty per cent included obviously frightening suspenseful situations. More than eight out of ten story segments contained at least one recognizable act of violence and in thirty percent, violence "saturated" the stories. Barcus concludes that the violence was unnecessary in most incidents, and that the reason for violent programs is to attract and hold the child for "the real message of commercial television—the advertising message."⁹⁸

ENDNOTES

¹John E. Twomey, "New Forms of Social Control over Mass Media Content," pp. 174-182 in Otto N. Larsen (ed.), Violence and the Mass Media (New York: Harper and Row, 1968), p. 181.

²Hayden Weller, "The First Comic Book," Journal of Educational Sociology, Vol. 18, No. 4, Dec. 1944, p. 195. The first comic book was a collection of "Mutt and Jeff" strips and appeared in 1911.

³P. M. Pickard, I Could A Tale Unfold: Violence, Horror and Sensationalism in Stories for Children (London: Tavistock, 1959), pp. 101, 107.

⁴James Steranko, The Steranko History of the Comics (Wyomissing, Penn.: Supergraphics, 1972), p. 5.

⁵Bruce D. Hutchinson, "Comic Strip Violence, 1911-1966," Journalism Quarterly, Vol. 46, No. 2, Summer 1969, pp. 358-364.

⁶Bill Stephenson, "Remember When the Comics were funny?" Macleans, Vol. 69, Dec. 22, 1956, p. 11.

⁷Alan Gowans, The Unchanging Arts, New Forms for The Traditional Functions of Art in Society (Philadelphia: J. B. Lippincott, 1971), p. 283.

⁸Ibid., p. 266.

⁹Aaron Berkman, "Sociology of the Comic Strip," American Spectator, Vol. 4, June 1936, pp. 52-53.

¹⁰Stephenson, p. 44.

¹¹Les Daniels, Comix: A History of Comic Books in America (New York: E. P. Dutton and Co., 1971), p. 6.

¹²George Perry and Alan Aldridge, The Penguin Book of Comics (Penguin, 1971), p. 107.

¹³Gilbert Seldes, The 7 Lively Arts (New York: Sagamore Press, 1924), p. 200.

¹⁴Perry and Aldridge, p. 16.

¹⁵Hutchinson, p. 363.

¹⁶Perry and Aldridge, p. 170.

¹⁷Coulton Waugh, The Comics (New York: MacMillan, 1947), p. 344.

¹⁸Ibid., p. 343.

¹⁹Ibid., p. 344.

²⁰Daniels, p. ix.

²¹Ibid., p. 53.

²²Larsen, pp. 214-226. Larsen has reprinted excerpts from William Gaines testimony before the Kefauver Senate Committee which reveal that, although many of his comic books were of this wholesome nature, he was also a prime offender. Gaines originated the "horror" comic book and issued many more of these at a dime than his Picture Stories series which sold at 65¢ per issue.

²³It is surprising that Lord Northcliffe, with his moral aspirations in the field of children's literature, was also the founder of the London Daily Mirror, one of the most sensational and controversial British tabloids.

²⁴Perry and Aldridge, p. 47.

²⁵Picard, pp. 98-101.

²⁶Michael Hirsh and Patrick Loubert, The Great Canadian Comic Books (Toronto: Peter Martin Associates Ltd., 1971), p. 15.

²⁷Ibid.

²⁸Marilyn Graafls, "Violence in Comic Books," in Larsen, pp. 93-96.

²⁹Harvey Zorbaugh, "The Comics, where they stand," Journal of Educational Sociology, Vol. 18, No. 4, Dec. 1944, pp. 196-203.

In 1933, the estimated reading public according to Market Research Co. of America was 70 mil. The breakdown by sex and by age is as follows: Males: Of males 6-11 yrs, 95%; 12-17 yrs, 87%; 18-30 yrs, 41%; over 31 yrs, 16%; Females: Of females 6-11 yrs, 91%; 12-17 yrs, 81%; 18-30 yrs, 28%; and over 31 yrs, 10%, read comic books regularly. To be classified a regular reader for children means 12-13 comic books read/mo. and for adults, 6-8 comic books/month. Comic Books outsell the Saturday Evening Post and Reader's Digest combined, at a ratio of 10:1 (p. 197-198).

³⁰Sterling North, "Editorial," Chicago Daily News, May 8, 1940, p. 21, col. 4.

³¹Fredric Wertham, Seduction of the Innocent (New York: Rinehart and Winston, 1953), pp. 10, 243, 164, 118.

³²Wertham stated that the average child spent two to three hours each day reading comic books, a fact he was unable to substantiate.

³³Wertham, p. 118.

³⁴Ibid., p. 328.

³⁵Twomey, p. 175.

³⁶Ibid.

³⁷Gershon Legman, Love and Death (New York: Hacker Art Books, 1963), p. 34.

³⁸Ibid., p. 33.

³⁹Twomey, p. 181.

⁴⁰Sidney Katz, "What about the Comics: Are they the Road to Delinquency of Finding a 'harmless outlet'?" Macleans, Vol. 61, p. 71.

⁴¹Gweneira Williams and Jane Wilson, "They Like it Rough," Library Journal, March 1, 1942, p. 206.

⁴²Josette Frank, "What's in the Comics?" Journal of Educational Sociology, Vol. 18, No. 4, Dec. 1944, p. 217.

⁴³Katherine M. Fiske and Marjorie Fiske, "The Children Talk About Comics," Norman G. Tubergen and Karen E. Friedland, "Preference Patterns for Comic Strips among Teenagers," Journalism Quarterly, Vol. 49, No. 4, Winter, 1972, pp. 745-50. The authors have noted a similar developmental pattern in the use of comic strips.

⁴⁴Lauretta Bender, "The Psychology of Children's Reading and the Comics," Journal of Educational Sociology, Vol. 18, No. 4, Dec. 1944, p. 227.

⁴⁵Josette Frank, "Chills and Thrills in Radio, Movies and Comics," Child Study, Vol. 25, Spring, 1948, p. 44. In contradiction to this assertion, J. Homer et al. in the Second Report on the Adoption of Television by Native Communities in the Canadian North, pp. 68-69 states:

The Cree people are critical of sex and violence on television. They blame television for a too early awareness of sex on the part of the child and a too early experimentation with it. They also blame television for dangerous children's games including kung-fu fighting and sword fighting and for the occasional discovery of children tied up to trees and abandoned.

⁴⁶Ibid., p. 48.

⁴⁷Sidonie M. Gruenberg, "New Voices Speak to our Children," Parents' Magazine, Vol. 16, June, 1941, p. 23.

⁴⁸Frank, "Chills and Thrills . . .," p. 44.

⁴⁹Lauretta Bender and Reginald M. Laurie, "The Effect of Comic Books on the Ideology of Children," the American Journal of Orthopsychiatry, Vol. II, July, 1941, pp. 540-550.

⁵⁰Paul S. Deland, "Battling Crime Comics to Protect Youth," Federal Probation, Vol. 19, 1905, pp. 26-30.

⁵¹Lovell Thompson, "How Serious are the Comics?" Atlantic Monthly, September, 1942, Vol. 170, p. 129.

⁵²William T. Noble, "Superman and the Censors," Sunday Magazine, Feb. 22, 1976, pp. 17, 33.

⁵³New Zealand Libraries, "Concern over Comics," Ontario Library Review, Vol. 30, May 1946, p. 162.

⁵⁴Wertham questions the validity of the statements of psychiatrists cited who defend the comics as having positive value when he reveals that the most prominent are actually on the payrolls of the largest comic book publishers (p. 223).

⁵⁵Harold C. Gardiner, The Catholic Viewpoint on Censorship (New York: Hanover House, 1958), p. 109.

⁵⁶*Ibid.*, p. 110.

⁵⁷Twomey, p.178.

⁵⁸Dr. Jesse L. Murrel, "Annual Rating of Comic Magazines," Parents' Magazine, Vol. 25, Oct. 1950, pp. 44-45, Vol. 27, Nov. 1952, pp. 48-49, Vol. 28, Oct. 1953, pp. 54-55, Vol. 29, Aug. 1954, pp. 48-49, Vol. 30, Aug. 1955, pp. 48-50, Vol. 31, July 1956, pp. 48-49.

⁵⁹Dr. Jesse L. Murrel, "The Greater Cincinnati Committee on the Evaluation of Comic Books," in Larsen, p. 188.

⁶⁰"Looking at the Comics 1949," Child Study, Fall 1949, Vol. 26, pp. 110-112, 124.

⁶¹Theodore Peterson, Magazines in the Twentieth Century (Illinois: University of Illinois Press, 1964), p. 360.

⁶²Murrel, "Cincinnati Committee . . .," p. 184.

⁶³"Fighting Gunfire with Fire," Newsweek, Dec. 20, 1948, pp. 54, 56-57.

⁶⁴Peterson, p. 359.

⁶⁵Walter B. J. Mitchell, Jr., "Dell Needs no Watchdog," America, Dec. 11, 1954, p. 308.

⁶⁶John E. Twomey, The Anti-Comic Book Crusade, Masters' Thesis (Chicago: University of Chicago, 1955), p. 19.

⁶⁷*Ibid.*, pp. 20-21.

⁶⁸*Ibid.*, p. 22.

⁶⁹Charles F. Murphy, "A Seal of Approval for the Comic

Books," Federal Probation, Vol. 19, 1956, pp. 19-20.

⁷⁰Fredric Wertham, "It's Still Murder," Saturday Review of Literature, April 9, 1955.

⁷¹Daniels, p. 89.

⁷²Twomey, The Anti-Comic Book Crusade, p. 18.

⁷³Wertham, Seduction of the Innocent, pp. 329-330.

⁷⁴see Katz, pp. 7, 71-75, "The Wanser Comics," Macleans, Vol. 62, Mar. 8, 1947, p. 5 and "Crime Death Knell," Saturday Night, Vol. 65, Nov. 22, 1949, p. 28.

⁷⁵"Canada Comics Ban," Newsweek, Nov. 11, 1949, p. 62.

⁷⁶Twomey, The Anti-Comic Book Crusade, p. 10.
Psychiatrist Fredric Wertham gave a testimony to the Canadian parliament which greatly influenced the final decision.

⁷⁷Wertham, Seduction of the Innocent, p. 282.

⁷⁸*Ibid.*, p. 281.

⁷⁹"More Junk," Saturday Night, Vol. 65, Dec. 27, 1949, p. 37. The original draft of the bill contained a loop-hole. A dealer had to "knowingly" sell a comic book which "exclusively or substantially" comprising matter pictorially showing the commission of crimes, "real or fictitious." Under the revised legislation, ignorance was no excuse. A further amendment was made on April 1, 1955 which forked the sale, distribution, publishing of crime comics defined as any book, serial, etc. filled wholly or substantially with pictures of actual crimes or events connected with crimes whether events occurred before or after, real or fictitious.

⁸⁰Wertham, Seduction of the Innocent, p. 283.

⁸¹"More Junk," p. 87.

⁸²Wertham, Seduction of the Innocent, p. 283.

⁸³Financial Post, Vol. 45, July 1951, pp. 1, 3. The dealers were in a bind due to the common practice of "block-booking" by which they were forced to accept crime comics to get other more respectable magazines.

⁸⁵Cicely Sampson, "Abolishing Crime Comics," Food for Thought, Vol. 18, Nov. 1957, pp. 74-81.

⁸⁶*Ibid.*, p. 85.

⁸⁷*Ibid.*, p. 74.

⁸⁸Financial Post, V-1. 45, p. 8, 1951.

⁸⁹Ibid., p. 122.

⁹⁰Ibid., p. 118.

⁹¹Wertham, Seduction of the Innocent, p. 287.

⁹²Ibid., p. 289.

⁹³Ibid.

⁹⁴Pickard, p. 97.

⁹⁵Ibid., pp. 119-20.

⁹⁶Wertham, Seduction of the Innocent, p. 372.

⁹⁷Ibid., pp. 361, 369.

⁹⁸F. Earle Barcus, "Saturday's Kidvid Ghetto," in Robert J. Glassing and William P. White (eds.), Mass Media: The Invisible Environment (Chicago: Research Associates, 1973), pp. 142-143.

CHAPTER VIII
SOCIAL CONTROL OF THE MOTION PICTURE

The New Medium

In the first half of the twentieth century the motion picture was the most important entertainment medium in Western society, perhaps even throughout the entire world. Certainly, like no other form of entertainment before it, the movies captured the hearts and imagination of an enormous world-wide audience, and exerted a social and cultural influence that transcended its purely recreational intentions.¹ The problem of "movie influence" was one that was recognized early in the medium's development, and resulted in a series of prolonged attacks unprecedented in the history of mass entertainment.

Exactly why did the motion picture cause so much controversy? Why did the moving image on the screen arouse previously lethargic citizens to raise their voices in alarm about the influence the movies were having on society in general, and children in particular? While public outcry on the issue of outside influences on public morality was by no means new, no previous form of entertainment or communication had been subjected to such severe and prolonged criticism. In fact, the movies were something far more than an obnoxious entertainment diversion, and for many they represented in a graphic, tangible form, all the dangers and terrors which an increasingly industrialized and urbanized society suggested.

The real basis of the fear of the "power" of the movies

lay in the inability of society to understand, and therefore to deal with the new form of social interaction which developed during the 19th century as the result of the introduction of what we now call the "mass media." We have already seen the difficulties encountered with the rise of mass literature, and the immense success of the popular press. The movies continued this trend, only this time a new, widened dimension of popularity had been added; in particular the medium's immense appeal to children.

The introduction of the mass media, first the popular daily newspaper, then the motion picture, followed by radio, and finally television have, in essence, created what Denis McQuail, the sociologist calls "a collectivity unique to modern society." It was basically an aggregate of individuals "united by a common focus of interest, engaging in an identical form of behaviour, and open to activation towards common ends; yet the individuals involved are unknown to each other, have only a restricted amount of interaction, do not orient their actions to each other and are only loosely organized or lacking in organization."²

These characteristics and their implications created social conditions which were so totally new that their existence brought about fundamental changes in the structure and interaction within Western society. The new communications media gave rise to totally new complexes of activity concerned with the manipulation of symbols and personalities, and in the process the mass media inevitably acquired their own status and authority, and were placed in the position of being able to confer prestige and legitimacy on those issues

or personalities to which they turned their attention.³

A major aspect of the introduction of the mass media, and one that was particularly important to the future of the motion picture industry, was their ability to bypass the existing channels of social communication and authority structures in the spheres of politics, religion, education, kinship and economics, and to establish direct contact with the individual. Particularly in the areas of education and religion, parents and teachers became concerned because they felt powerless to prevent the influence of these new communications forms, which seemed so readily accessible to the young. Thus many of the mass media's inroads into existing institutions were initially resisted, but eventually there was a gradual move toward greater accommodation, and finally each of the affected institutions came to use these media for its own purposes.

The motion picture exemplifies this pattern of "accommodation by adoption," for once it was established as a commercial success and more than just a passing fact, political, educational and religious institutions quickly adopted it while offering a great deal of praise for its potential in their particular spheres of interest. The paradox, therefore, was that the motion picture was accepted, utilized and praised on the institutional level, while at the same time the commercial-entertainment film was viewed with a great deal of suspicion.

The Need for Social Control Mechanisms

When potential nickelodeon entrepreneurs all across

the United States and Canada scrambled to obtain local rights to Mr. Edison's latest invention, they surely did not suspect the emotional issues they were precipitating. However, there were early hints that the moving picture would be the source of some trouble when, in 1896, just two weeks after Edison's Kinetoscope was introduced onto the Atlantic City Boardwalk, authorities objected to the showing of Dolorita in the Passion Dance.⁴ In the next few years the motion picture, in its various exhibitionary forms, was subjected to constant complaint and harassment, culminating in the dramatic, but futile attempt to close all the movie theaters in New York City in 1908.

What became immediately obvious was that local communities were ill-equipped to cope with the "movie problem." While local municipal ordinances were in existence to cover various aspects of theatrical entertainments, these proved to be grossly inadequate for control of the volatile and increasingly ubiquitous new medium. From their emergence as a major entertainment activity in 1896, it would be several years before specific regulations were enacted to deal with "picture parlors" or "nickelodeons." In Britain, the London County Council passed its "Regulations in Premises Licensed by the London County Council: Cinematograph Lanterns" in 1898, but these were concerned solely with safety precautions and covered such matters as the construction and illumination of lanterns and projectors. It was obvious that these regulations were a direct outcome of the disastrous fire the previous summer at the Paris Bazar de la Charité, which had been caused by careless management of a movie projector.⁵ However, such

specific regulations in this early period were unique; New York would not pass its movie-house ordinances until 1913, while in Canada, the first provincial statutes dealing with movies were passed in 1911. Certainly, in the period before 1907, there were few regulations aimed specifically at controlling the content of films.

The lack of "censorship ordinances" did not prevent an enormous wave of criticism and indignation which accompanied the development of the motion picture as the major entertainment form in the first decade of the twentieth century. Essentially the criticism can be classified into four broad categories: (1) The child and the influence of the motion picture; (2) the problem of "movie morals and manners"; (3) the health problem caused by filthy conditions in nickelodeons; and (4) education and religious responses. Here, we are essentially concerned with the first two problems, although all four issues were combined in many complaints.

Children and the Movies

Much of the attention paid to the motion picture in this early period was due to its extreme attractiveness and accessibility to children, and the nature of the relationship between the child and the medium became the dominating factor in all discussions of motion picture influence.⁶ It is within this context that we must search for the origins of the negative attitudes toward the medium. It is not difficult to understand why the movies were labelled as a "disruptive influence," for they were usually beyond the immediate control of the local community, they dispensed "messages" sometimes

at odds with accepted social norms, and supposedly competed with the school for the child's attention. The movies, as was previously indicated, also circumvented the usual socializing agencies, such as the family, the school and the church, and appealed "directly" to the child. Little wonder then that the movies received close attention from "the guardians of the culture," and that the question of "movie morals" would be a constant issue.

In particular the movies were singled out for their contribution to what appeared to be an increase in juvenile crime. As early as 1905, in England, "three boys caught breaking into a shop said that they had learned how to do it from a cinema show."⁷ In 1909, Jane Addams, the famous director of Hull House settlement house in Chicago, in her book The Spirit of Youth and City Streets, noted of the movies that they were full of "absurdities which certainly will become the foundation for their [children] working moral codes and the data from which they will judge the proprieties of life." She specifically cited two film plots which aroused her indignation: one involving a robbery and murder, with a ten-year-old boy avenging his father's death; the other involving a robbery and murder of a Chinese laundryman by two young boys in order to feed their starving mother and younger sister. This last murder, Miss Addams claimed, ended with "a prayer of thankfulness for this timely and heaven-sent assistance."⁸

With children making up a very high proportion of the daily audience at picture shows it was only natural that the medium would be accused of encouraging criminal

behaviour. While many other "movie habits" were also condemned, the presentation of detailed criminal behaviour on the screen was the most constant source of complaint. In 1912, Robert Grau, the theater and movie historian, asked the "celebrated detective," Mr. William J. Burns what he thought about the issue of "movies and crime." Burns did not hesitate in replying:

The mental attitude of the average spectator at a photo-play house is receptive in seeking what might be called a deviation from mental or physical strain. The brain craves for "something different," but the action must divert the mind to new thoughts.

. . . The ease and alacrity with which the crime is apparently committed requires so little effort that a person with criminal tendencies would drink in the situation with such a ravenous appetite, owing to the receptive condition of the mind, that the desire to stimulate the star character could not be resisted, and almost before he would be aware of it, would have embarked upon a career of crime.⁹

While such pronouncements were common, the "sources" were often questionable. However, some of the warnings against the harmful effects of the motion picture came from highly reputable and influential sources. William Healy, the pioneer in the study of juvenile delinquency, in his seminal work The Individual Delinquent, published in 1915, included several case studies concerning children who he alleged had been "influenced" by moving pictures into committing criminal acts. Regarding movies and crime, Healy observed: "The strength of the powers of visualization is to be deeply reckoned with when considering the springs of criminality . . . It is the mental representation of some sort of pictures of himself or others in the criminal that leads the delinquent onward in his path."¹⁰ Healy went on to claim that he had "much evidence" that "movies may be

stimulating to the sex instinct," but that the real danger lay in the darkness of the hall where the pictures were shown. For "under cover of dimness evil communications readily pass and bad habits are taught. Moving picture theaters are favorite places for the teaching of homosexual practices." The main hope for preventing these undesirable effects was to be found "in rigorous censorship of perverting pictures, and in radical prosecution of those who produce and deal in obscene and other demoralizing presentations."¹¹

Certainly Healy's fear of the darkened movie theater as a source of moral and even physical danger to the child was not an unusual concern. In an age when much attention was still paid to certain conventions of courtship and sexual behaviour, the sight of a darkened room where the sexes mixed freely and without supervision, was sufficient to arouse much moral indignation. The sociologist Donald R. Young, in his pioneer examination of the morality of the motion picture, noted that these fears were not entirely without foundation, for he pointed out that new words and phrases had been coined to meet these new situations, and "movie masher" and "knee flirtation" were added to the American vocabulary at precisely this time.¹²

The Morals of the Movies

From the outset, Canada because of its geographic location, was considered to be merely one of the many "marketing areas" designated by the American film industry. As early as 1911, the great Canadian reformer J. S. Woodsworth had examined the influence of the movies on Canadian life.

Discussing the influence of the entertainment medium on immigrants he noted:

The fact is, that in itself the picture business is neither good nor bad. All depends upon the character of the pictures. Some of these are abominably vile and foster crime and immorality of all kinds. The majority are simply cheap and vulgar or silly.¹³

In Britain too, the influence of the movies was considered to be a problem worthy of serious study. In 1917, the British Government published an extensive report on The Cinema: Its Present Position and Future Possibilities, which had been undertaken by the National Council of Public Morals. The Report left no doubt about where its compilers stood regarding the importance of the motion picture:

All other forms of recreation appeal only to a section of the community, but the lure of the pictures is universal; while the cheapness and accessibility of the houses make it possible for the masses to indulge in this enjoyment almost to an unlimited extent. In the course of our inquiry we have been much impressed by the evidence brought before us that moving pictures are having a profound influence upon the mental and moral outlook of millions of our young people—an influence the more subtle in that it is subconsciously exercised—and we leave our labours with the deep conviction that no social problem of the day demands more earnest attention. The cinema, under wise guidance, may be made a powerful influence for good; if neglected, if its abuse is unchecked, its potentialities for evil are manifold.¹⁴

Thus everyone agreed that while the movies had enormous potential as "the art of the masses," in their current, commercialized state they were "capable of evil," as the U.S. Supreme Court was to rule in 1915. The question was what could be done to make the medium more responsive to local norms and values? Many of the movies' particular problems can be attributed to the fact that they depended upon both local and national support. Because of the centralization of the production capability of the motion picture industry into

one or two cities in each country, the movies were in essence national media, but in turn susceptible to local pressures and preferences. It was for this reason that local control of the motion picture became a key issue in the United States, Great Britain and Canada.¹⁵

The Origins of Censorship

As we have already noted, no sooner had the first prototypes of the movies been introduced than they were under attack for being "immoral and offensive to public taste." The first official court case involving a movie in the United States was People v. Doris in 1897, in which the presiding judge ruled that a pantomime of a bride's wedding night was "an outrage upon public decency."¹⁶ This was but the forerunner of many such rulings as the long struggle for the control of the content of the motion picture began.

While most of the attention paid to movie content in this early period was given to material of a sexual nature, the issue of violence was by no means ignored. As an example, one of the favorite subjects for early film fans, especially in the amusement arcades, was the "fight film," which showed the pugilistic talents of many of the top boxers of the day. This exhibition of prizefighters as a popular public entertainment did not meet with unanimous approval and ultimately proved to be an important obstacle in gaining respectability for the new medium. The New York Times, in 1897, stated its position on these films quite clearly:

It is not very creditable to our civilization perhaps that an achievement of what is now called the "veriscope" [a form of viewing machine] that has attracted and will

attract the widest attention should be the representation of the prizefight. Moralists may deplore the fact that the fight in question "sold more extras" than would a presidential election. But they will have to eradicate a great deal of human nature before they can alter it.¹⁷

The continued interest in prizefight films eventually resulted in federal legislation to prevent the interstate transportation of such films.

Public interest in films which were violent, or which depicted life in the raw was clearly evident, even at this early date. Neville Hunnings has noted that there was always a scramble to fake films of executions—"the beheading of a Chinese criminal outside Mukden, the guillotining of four criminals at Béthune, the hanging of a man in Missouri." The advertisement for the latter in 1898 noted: "The set of slides illustrating the gruesome spectacle have been pronounced 'good,' and these are to be duplicated and public exhibition given in various towns."¹⁸ Hunnings also mentions various other complaints concerning "the portrayal of dead victims of mining disasters, of big heavy-weight boxing matches, of the hare coursing at the Waterloo Cup, of the operation on a woman at Baden. Great indignation was aroused by a Danish film which showed two lions eating a horse then being pursued and shot in a lion hunt."¹⁹

Even when the concept of "narrative" film developed after 1900, much of the content of these early story films was concerned with violence. It is more than symbolic that the most important film of this period—Edwin S. Porter's The Great Train Robbery—was concerned with robbery, violence and death. The closing shot in this film is of a robber turning toward the audience and firing his revolver into the

camera! According to contemporary accounts, audiences ducked, but enjoyed this "shock."

The use of violent themes in early movies bears a direct relationship to the thematic explorations of stage melodramas which were extremely popular in the late 19th century. In his important book, Stage to Screen, Nicholas Vardac has clearly shown that the movies were a direct descendent of the melodrama, taking over the audience from the live entertainment, and continuing the audience's "desire for pictorial realism." Vardac notes: "Audiences immediately identified the cinema, from its first showings, with the nineteenth-century vogue of pictorial theatre. It was readily established as the most realistic medium yet available to the theatrical arts. The stage might represent reality but the motion picture could photograph it."²⁰ The success of story films after Porter's pioneering efforts was also due to the audience's identification with the plots of these films. As famed film historian Lewis Jacobs noted:

The Americans rarely left their own backyards and streets when they were technically able to do so. Fairy tales, fantasies, storybook romances, were far removed from their immediate interests. Subject matter was derived from American life—from the exploits of the policeman and burglar, cowboy and factory worker, farmer and country girl, clerk and politician, drunkard and servant girl, store keeper and mechanic.²¹

British film historian Alexander Walker has suggested that there were valid social reasons for the wholehearted acceptance of much of this morbid content:

It is worth emphasizing that the sentimentality of the plots, which jars today, was then very much a fact of life for nickelodeon audiences from the back streets or immigrant ghettos where drunkenness bred brutish parents, long-lost off-spring were the common price of having to leave one's homeland, and the dying babies of

melodrama had their statistical reality in the infant mortality rate.²²

It was however, precisely this type of content which seemed to bother the growing army of detractors of the medium. In an article published in the Review of Reviews in 1908, an anonymous critic complained:

One's regret for such exhibitions is deepened by the reflection that just as much time and effort have been spent in preparing the films for these pictures, as would have been in producing others of a more desirable character . . . And all the thought, time and energy have been expended for the portrayal of the realism of bloodshed, crime and brutality.²³

Such sentiments were popular, and combined with the obvious popularity of the entertainment, and the unprecedented growth of audiences, led to increasing alarm among those concerned with safeguarding the public's morality.

Movie Censorship - The United States

Once the movie houses became an accepted feature of the urban scene, the first official attempts were made to place the movies under a form of permanent local control. In 1907 an editorial appeared in the Chicago Tribune which attacked the city's motion picture houses. This editorial noted of the current films from being exhibited:

[They are] . . . without a redeeming feature to warrant their existence . . . ministering to the lowest passions of childhood . . . proper to suppress them at once . . . influence is wholly vicious . . . They are hopelessly bad.²⁴

As a result of this editorial and other resolutions presented to the Chicago City Council, an ordinance was passed which gave the city the power to censor all films through the Superintendent of Police. In an important legal contest the ordinance was held valid in 1909 by the Supreme Court of

Illinois, and yet later by the Supreme Court of the United States.²⁵ Chicago had taken the bold and somewhat "un-American" step of instituting official prior censorship, something no other medium of communication had been subjected to since the drafting of the Constitution.

While film censorship began in Chicago, it was in New York that the bolder step was taken on December 24, 1908, when Mayor George B. McClellan ordered the police to close every movie house in that city. This was later set aside by a court injunction, but in an attempt to forestall any further such action in the future, the industry prevailed upon the People's Institute, a body concerned with social research and adult education, to organize a citizens' committee which would preview all motion pictures before they were shown in New York theatres. This committee, in March 1909, became the National Board of Censorship of Motion Pictures, later changing its name in 1915 to the National Board of Review of Motion Pictures, a name which it retains to this day.

From the first the aim of the organization was not that of true "censorship," but as film historian Terry Ramsaye indicated, "'censorship' became a necessary word, because to satisfy the public and official mind of the day the naughty, naughty motion picture had to be spanked on the wrist."²⁶ The basic philosophy of the National Board was based on the principal that the motion picture screen had a right to the same First Amendment freedom accorded to all the other media. Because it was difficult to establish precisely what was "moral" or "immoral" the board relied on the concept that

"where questions of taste and morals overlap, that public opinion, which is the compound of all tastes and all ideas of morals is the only competent judge of the screen, and that there can be no popular functioning of public opinion unless freedom of the screen exists in order that the public may judge what shall be presented to it . . ." ²⁷

The mechanism established by the Board to carry out its vast task was to engage a large number of volunteers, and a limited staff of paid workers for routine duties. The board extracted a "fee" from each filmmaker for "examining" his film, and "suggesting" possible changes. However, the Board had no legal powers to demand such changes, and its financial dependency upon the film industry led to many critical attacks. It is important to note that although the board depended indirectly upon the filmmakers for the bulk of its support, it was never an official arm of the motion picture industry. In the long run the N.B.R. failed to stem the criticisms aimed at "objectionable" films, although through its education programmes it did do much to make the public aware of the "better" films. Nevertheless, in the period before 1922, the N.B.R. represented the major attempt at creating a "public voice" in the American motion picture scene.

After 1922, and the creation of the centralized industry association—The Motion Picture Producers and Distributors of America (MPPDA), otherwise known as the Hays Office—the industry attempted a more organized appeal to the public for the right of self-regulation.²⁸ After twelve years of trying desperately to convince the studios to follow his suggestions,

Will H. Hays, the President of the MPPDA, was still unable to obtain adherence to the various codes of regulation which he had established. In 1932, nearly forty national religious organizations and educational groups had adopted resolutions calling for some form of federal regulation of the motion picture industry. In fact, the industry resisted real reform until a unique combination of circumstances and ingredients—the arrival of sound, the Depression, the Hays Office and the Roman Catholic Legion of Decency—finally caused the industry to adjust its position to accomodate many of the reforms so long sought.

Hays had tried various methods of self-regulation during the period 1922-1933, including the examination of all scripts before filming began, advising the studios about the problems likely to be encountered from state and local censors, and even the establishment of a set of "Don'ts and Be Carefuls" which were supposed to be adhered to, but, in fact, seldom were. Eventually, faced with increasing pressures from the Catholic Legion of Decency, and the financial squeeze of the Depression, the motion picture industry in 1934 finally adopted a Code which proved to be an enforceable means of self-regulation. The infamous Production Code (often known by its administrative title, The Breen Office), became the foundation for over thirty years of viable self-regulation, although film historians now tend to see it as a restrictive and confining stranglehold on the industry's creative development.

In substance the Code tried to encompass all the problems previously encountered, but, even more important, it gave

public reaffirmation of the MPPDA's desire to meet its public obligations. The Code was based on the premise that motion pictures as entertainment and art affected the moral life of a people, and that therefore the medium was charged with special moral responsibilities because of its wide appeal and availability. Therefore it followed that "latitude given to film material cannot, in consequence, be as wide as the latitude given to book material." The "Preamble" section of the Code also compared the motion picture to newspapers and plays in this context, and even noted the crucial problem of community differences in one section: "Small communities: remote from sophistication and from the hardening process which often takes place in the ethical and moral standards of groups in larger cities, are easily and readily reached by any sort of film."²⁹ It is important to note that although the Code was actually introduced in 1930, it was not until 1934, and after the emergence of the Legion of Decency, that Will Hays was able to secure the necessary "teeth" to enforce adherence to the Code by the various studios. The spectre of a continuous boycott by the powerful Catholic group had proven to be the necessary factor which Hays had sought for so long.

The Legion of Decency was founded in 1934 for the express purpose of putting pressure on the film industry to "mend its ways." Using the full machinery of the Catholic Church, a large number of Catholics and of other denominations signed a pledge which said in part:

I wish to join the Legion of Decency, which condemns vile and unwholesome moving pictures. I unite with all who protest against them as a grave menace to youth, to home life, to country and to religion . . .

Considering these evils, I hereby promise to remain away from all motion pictures except those which do not offend decency and Christian morality. I promise further to secure as many members as possible for the Legion of Decency. I make this protest in a spirit of self respect, and with the conviction that the American public does not demand filthy pictures, but clean entertainment and educational features.

The Catholic Church, with its intensive campaign against what it considered to be essentially immoral doctrines prevalent in motion pictures, had succeeded in focusing public attention on this social problem to an extent never before accomplished by any pressure group. Whereas the Protestant groups had for twenty-five years taken the initiative in the fight against the encroaching social influence of the motion picture, they had failed to make any real or permanent gains; however, the Catholic Church was able to accomplish its appointed task within one year. In the long run, it has been estimated that nearly eleven million Catholics, and countless others from Protestant denominations signed the pledge.

The Legion functioned by publishing lists of films which had been "morally rated" and making them available to anyone or any group that was interested. These lists, prepared weekly, were made available to the diocesan presses and carried by most of them; or they were posted in the vestibules of churches and on bulletin boards of parochial schools. In this way almost every parishioner was reached by the Legion, enabling the Catholic Church to communicate its motion picture preferences directly to almost twenty million Americans. Thus it was able to combat the problem of variations in local standards by imposing one "national" standard for all Catholics. Nevertheless, local pressure was still the key to the operation of the Legion—pressure on the Catholic

congregation and pressure on the individual exhibitors. This meant that the Catholic Church was able to accomplish by "institutional force" what other groups such as the National Board of Review had been unable to achieve, even though the Board's attempts to involve local communities were very similar to the goals of the Legion.

It is important to note that the Legion did not see itself as a "censor." The official position was that the rating activity provided "effective guidance" to the church's followers by telling them which films were more or less apt to be "occasions of sin." The Legion saw its function primarily as that of a pressure group, whose aim was to represent Catholic opinion and thereby assist in maintaining the effectiveness of the industry's self-regulatory bodies. The Hays Office continued to be the only source of direct authoritative control over the industry's product, although of course the many state and local censorship boards still continued to function, as did the National Board of Review.

The Payne Fund Studies

It was not entirely a coincidence that in 1933, when the Catholic Legion of Decency made its move, that there appeared a series of published research studies, known as the Payne Fund Studies, which examined the role and impact of the motion picture in greater depth than ever before. In 1928, the Reverend William H. Short, the executive director of the Motion Picture Research Council, secured a grant of \$200,000 to carry out a nationwide study to determine the degrees of influence and effect of films upon children and adolescents.

The task of actual investigation was given to a group of social scientists—psychologists, sociologists and educators—who were under the direction of Dr. W. W. Charters, the director of the Bureau of Educational Research, Ohio State University. The actual field research was conducted over the four-year period from 1929 to 1933, and the first volume appeared in 1933.³⁰

While each study was a self-contained research work, the significant findings were conveniently (and often simplistically) summarized in the volume entitled Motion Pictures and Youth, by Professor Charters. In discussing the overall design of the studies, Charters developed a formula, which in simplified form stated:

$$\text{GENERAL INFLUENCE} \times \text{CONTENT} \times \text{ATTENDANCE} = \text{TOTAL INFLUENCE}$$

The formula as thus computed was open to criticism, but it was never applied in the final assessment in any meaningful manner. The formula did, however, influence the design of the individual studies, which focussed on such areas as attendance, content of motion pictures, the mores depicted on the screen relative to accepted social standards, the retention of information, the ability to change attitudes, the effects upon sleep and health, the emotional effects, the relationship between motion pictures and juvenile delinquency, and even how children could be taught to discriminate between "good" and "bad" cinema.

The studies utilized four general research methods to obtain their results: (1) the strictly physiological experimental procedure, used in the studies on emotions and the effects of movies on sleep; (2) the "paper and pencil" testing

technique; (3) the use of rating scales; and (4) the questionnaire, life story and interview methods. In order to meet the objectives set for this pioneering inquiry many novel research techniques had to be devised. As an example, one researcher measured the immediate effects of exciting movie scenes by the use of the psychogalvanic reflex, while another devised a method of studying the after-effects of the motion picture by measuring divergences from the normal motility of children during sleep.

The studies conducted by the questionnaire or autobiographical methods were the most contentious, for they attempted to examine the difficult problem of the effects of the motion picture upon conduct and ideas. In Herbert Blumer's examination of movies and social conduct the question of the medium's general influence was brought into focus. This particular study was possibly the most important of all; but it was also the most "suspect" in its findings, because it was based entirely on motion picture "biographies" from college students, office workers and factory workers. After ensuring that several checks and balances were placed into the research procedure, Blumer concluded that the movies did indeed have a deep and permanent psychological effect on many people—both adults and youths. The motion picture provided a source for rich fantasy and imitation, especially among adolescents, and it offered a means of "emotional possession" during the actual performance, and even afterward, which could profoundly influence an individual's conduct and philosophy of life. This constant exposure to a wide variety of emotional experiences was bound to have a disintegrating effect on many

persons, especially those who had not yet developed a sufficient emotional detachment or an "adult discount" which permitted them to place these vicarious experiences in proper perspective.

Taken as a whole, the most striking feature of the conclusions reached in the series of studies, was the wide range of "individual differences" evidenced in the subjects examined. Factors such as age, sex, personal experience, and cultural backgrounds such as home and family, neighbourhood, community standards, social and economic status—all these contributed to the individual's response to the motion picture. Throughout the studies there was a note of cautious interpretation in an attempt to present the material as objectively as possible.

Unfortunately, the intentions of the original researchers were thwarted by the early publication of Our Movie Made Children, a popularization of the studies written by journalist Henry James Forman with the full cooperation of Dr. Charters. While there is no denying that the studies as a group showed an underlying but subtle hostility toward the immense socializing influence of the movies, Forman's book was a blatant attack on the industry, and pointedly suggested that some form of major outside control be placed on the motion picture industry.

The motion picture industry was obviously disturbed by the published findings of the Payne Fund Studies, and particularly by the public reception of Forman's book. We do know that in March, 1933, the full board of directors of the MPPDA agreed to a complete renewal of their original 1922 dedication to "establish and maintain the highest possible moral and artistic

standards," and gave an oral promise that more films of a "better" quality would be forthcoming.

Exactly how much influence the Payne Fund studies had in bringing about a stricter enforcement of self-regulation is very difficult to estimate, although their publication must have had a catalytic significance. Certainly their major findings, mainly in the form of digests of Forman's book, were widely published and in many cases formed the background data for strong attacks on the motion picture industry. Women's groups, in particular, responded to the results, and banded together to form the Film Estimate Board of National Organizations. And it was also clear that the wide dissemination of the Payne Fund findings did influence the Catholic Church in its crusade, although here too, the evidence for such a connection is not conclusive.

The Payne Fund Studies, while they can be criticized on purely methodological grounds, nevertheless were important documents, not only for what they described, but also for what they represented. In many ways their publication symbolized the culmination of the long struggle to make the motion picture industry more responsive to certain public attitudes. More important, their findings tended to confirm some of the suspicions of reformers who for years had counselled that uncontrolled influence of the medium had created an undesirable and dangerous socializing force.

Official Censorship in the U.S.

It was at the state level that official censorship was the most effectively enforced in the U.S. The first state to

legislate official censorship of the movies was Pennsylvania, which created a board of censors in 1911. This was followed by Ohio in 1913, Kansas in 1914, New York and Virginia in 1922. The institution of official censorship legislation at this higher level of government did not augur well for the film makers, and almost immediately after state censorship first appeared the industry decided to challenge the concept of prior censorship in the courts.

In the case of Mutual Film Corporation v. Ohio,³¹ the United States Supreme Court handed down a decision that was to have a far-reaching consequence for the young industry. In a unanimous decision, speaking through Justice McKenna, the Court dismissed the Detroit-based company's complaint against the Ohio prior-censorship law. The distributing company had contended that the Ohio law violated the first amendment. Nevertheless the Court considered the company's charges unsound and they were dismissed, while the First Amendment claim was ignored. The most important aspect of the decision was the Court's refusal to construe the Constitution of Ohio to include the motion picture medium.

The Court therefore effectively relegated motion pictures to the same entertainment category as carnival sideshows. Their decision stated in part:

It cannot be put out of view that the exhibition of moving pictures is a business pure and simple, originated and conducted for profit, like other spectacles, not to be regarded, nor intended to be regarded as part of the press of the country or as organs of public opinion. They are mere representations of events, of ideas and sentiments published or known; vivid, useful, and entertaining, no doubt, but . . . capable of evil, having power for it, the greater because of their attractiveness and manner of exhibition.³²

Professor Richard S. Randall has made the point that "once the Court found movies not to be speech, it was unnecessary to take up the claim of federal protection."³³ In fact, the question of First Amendment protection was premature, for it was not then regarded as binding upon the states. It was only in 1925 that the decision handed down in Gitlow v. New York established the principle that the states must be mindful of free speech and press as set forth in the Constitution of the United States. A close scrutiny of the Supreme Court's decision reveals several dubious premises which would not stand up today. First the view that the motion picture was "a business pure and simple," ignored the growth of the film as art. Second, the Court suggested that movies were merely a spectacle such as carnival sideshows or circuses, and therefore were not subject to the protection of the free speech clauses in state constitutions. The basis for this judgement lies in the traditional judicial suspicion of the arts. While it was obvious to the Court that the motion picture could be a medium for spreading ideas or education, in this judgement only its entertainment role was considered.

The third of the dubious suppositions is the most difficult to substantiate, but was potentially the most far-reaching in its implications. Much of the Court's hostility shown in the final verdict was predicated on the belief that this powerful new medium, if misused by unscrupulous, commercially minded men, possessed a "capacity for evil" against which every community should be given the right to legitimately shield itself. The decision therefore had a profound effect upon the industry and its relationship to

the local community, for it was construed to mean that motion picture censorship was permissible under the Constitution, and many state courts would uphold similar censorship laws on these grounds. Thus the whole issue of prior censorship was given an aura of judicial approval. Obviously the Supreme Court of the United States was not yet sure of how to deal with a mass medium which manifested the appealing characteristics of the motion picture, and it therefore gave the most conservative decision possible under the circumstances. In all fairness to the justices it must be pointed out that very little was known at this time about the effect of the mass media in general, and the motion picture in particular, and the strong opposition to the entertainment medium already obvious in certain quarters must have had some residual influence on the Court. Certainly, the Supreme Court was not prepared to give free licence to such an unknown factor. Unfortunately this decision, and the premises upon which it was based, would result in much abuse of the privilege of prior censorship, and eventually shift the focus from a concern for the public's morals to a concern for its social and political thought as well.

It would not be until 1952, that the Supreme Court agreed to hear another case involving motion picture censorship. This was the celebrated Miracle decision (Burstyn v. Wilson), which on May 26, 1952, reversed the 1915 Mutual Film ruling.³⁴ After ignoring the issue for thirty-seven years, the Supreme Court had at long last recognized the motion picture as an important medium for the communication of ideas, and therefore entitled to the same protection under

the First Amendment as speech and press. The Miracle was a fairly obscure Italian film with a religious theme which had run afoul of New York State authorities, who felt that it was "blasphemous." The U.S. Supreme Court unanimously reversed the New York decision, and Justice Clark, speaking for the Court, noted that " . . . it cannot be doubted that motion pictures are a significant medium for the communication of ideas. They may affect public attitudes and behavior in a variety of ways, ranging from direct espousal of a political or social doctrine to the subtle shaping of thought which characterizes all artistic expression."³⁵

Despite this breakthrough, the Supreme Court was still very cautious. Clark was careful to point out that movies were still not to be afforded the same full constitutional protection as books, newspapers and other forms of publication. He observed: "It does not follow that the Constitution requires absolute freedom to exhibit every motion picture of every kind at all times and all places. Nor does it follow that motion pictures are necessarily subject to the precise rules governing any other particular method of expression. Each tends to present its own peculiar problems."³⁶

What was clear from this historic incident was that the achievement of free speech in the motion picture would take more than court decisions, and restrictions on censors; it would also require a desire on the part of the film industry to make the most of its new found freedom to create the "mature and responsible" cinema it had promised for so long.

In the nine year period after Burstyn, the Supreme Court heard six further motion picture cases, and in each one

the powers of the censors were further reduced. In 1961, in the case of Times Film Corp. v. Chicago, the Supreme Court examined the fundamental question of the permissibility of local censorship. On January 23, 1961, in a close 5 to 4 decision, the Court upheld the city of Chicago's right to license films. Justice Clark, speaking for the majority, saw the distributor's complaint as involving the claim that constitutional protection "includes complete and absolute freedom to exhibit, at least once, any and every kind of motion picture." This would automatically void the city ordinance requiring prior permission. Obscenity was clearly not protected by the Constitution, and to accept this argument against prior censorship would be to strip a state of "all constitutional power to prevent, in the most effective fashion, the utterance of this class of speech."³⁷ Clark also noted that the movies' "capacity for evil may be relevant in determining the permissible scope of community control," and that movies were not "necessarily subject to the precise rules governing any other particular method of expression."³⁸ However, the Justice was careful to point out that the Court was not holding that censors should be granted the power to prevent exhibition of any film they found distasteful.

In a long, rambling dissent on behalf of the minority opinion, Chief Justice Warren did not question the right to censor, but noted that the Chicago ordinance offered no procedural safeguards, and there was no trial on the issue before restraint became effective. Also, the act of censorship itself was considered to be wrong, in that the censor's decisions were insulated from the public and subject to no

defense on the part of the film owner. The most important part of Warren's dissent however, was his challenge that the majority opinion had not even attempted to justify why motion pictures should be treated any differently from other media, to the extent that they should be denied protection from prior restraint or censorship. Even if they had greater impact than other media, this was not a sufficient basis for subjecting them to greater suppression.

The immediate reaction to the Court's decision in the Times case was mainly negative. The New York Times favoured the opinion of the minority judges, who "took the sounder view and the one that in the long run will prevail."³⁹ Film critic Bosley Crowther, long the champion of freedom for the movies, commented that "the effect is to continue the ancient stigma of motion pictures as a second-class, subordinate art."⁴⁰ However, the Times decision did not result in the expected flood of new censorship legislation. Instead, the 1960's was a decade of unprecedented increase in "freedom of expression" in the American cinema. Not only sexual freedom was obvious, but an increase in graphic violence became a major point of contention as the beleaguered studios sought to outdo each other for the dwindling box office dollar.

What became clear was that the United States courts had no legal method to deal with increased violent content. However, sexual material was still subject to examination under the "obscenity" definition, and this left the door open for further Supreme Court activity, although the end result is by no means clearcut. In June 1973, the Supreme Court once again entered the picture with a series of rulings

which served to create even more confusion in the movie industry. "This is an area in which there are few eternal verities," wrote Chief Justice Warren E. Burger. He announced a new definition of obscenity and consequently presented a possibly disastrous situation for the movie industry by opening the way for a return to conditions resembling those of 1915.

In a complex of five decisions, the Court's conservative majority, prevailing by a one-vote margin, opened the way for states and the federal government to limit further the distribution of sexually oriented material deemed to be offensive by local community standards. The majority held that:

To fall into the category of obscene material which states can suppress or regulate without violating the First Amendment, material no longer has to be found utterly without redeeming social value, but only to lack serious literary, artistic, political or scientific value.

The question of the offensiveness of material can be judged against local, not national, community standards.⁴¹

After this decision, the film industry, predictably, was in an uproar. Jack Valenti, the President of the MPAA noted that "the great, artistic, serious filmmakers will be harassed and possibly convicted because of the lack of clear guidelines."⁴² Valenti had every reason to be apprehensive, for while the Court's ruling was clearly aimed at destroying the commercial exploitation of hard-core pornographic films, many local and state authorities saw this as an opportunity to legally attack serious, well-intentioned films. An early indication of this came two weeks later, when the Georgia Supreme Court ruled that the critically acclaimed film Carnal Knowledge was "obscene." Valenti declared that the MPAA

would pursue to the highest court in the land the legal freedom for responsible filmmakers to tell their story without the harassment which was inevitable under these rulings.

In June, 1974, the Supreme Court ruled, in a unanimous decision, that Carnal Knowledge was not obscene. Justice Rehnquist, writing for the Court, noted: "Our own view of the film satisfies us that Carnal Knowledge could not be found under the [Court's 1973] standards to depict sexual conduct in a patently offensive way." The problem was that the justices still offered no clear guidelines to what was obscene, and Justice Brennan pointed out the ridiculous situation that "one cannot say with certainty that material is obscene until at least five members of this Court, applying inevitably obscure standards, have pronounced it so."³

After nearly sixty years the motion picture was no nearer achieving freedom from legal restraint than it had been in 1915. While the grounds for censorship had been gradually refined down to a test for "obscenity," the vagueness of the concept, and the fact that its application was to be left to local communities, each applying their own standards, could only encourage continued harassment. The current situation will mean a constant stream of censorship ("obscenity") cases before the Supreme Court, until such time as the justices issue firm and clear guidelines; or finally agree that the movies should be freed totally from the burden of censorship.

The Attempt to Classify

With the obvious decline in the Production Code, the

question of "classification" invariably arose. In 1968, the Supreme Court of United States handed down two decisions which had a profound effect on the movie industry's decision to attempt adoption of a classification scheme. In Interstate v. Dallas, the Court invalidated an age classification because of the vagueness of the standards, but hinted that age classification systems with more tightly drawn standards might survive the application of constitutional tests.⁴⁴ On the same day, the Court ruled in Ginsberg v. New York that a New York statute which prohibited the sale to minors of material that young people would find obscene was legal, even though the same material could not be considered obscene if adults were to read it.⁴⁵ Thus the Dallas case, if examined in the context of the Ginsberg ruling, clearly allows cities and states to attempt movie control through more tightly drawn classification laws.

However, as lawyer Louis Nizer pointed out to the MPAA, the way was now open for every city or state in the country to devise its own classification system, and that the industry would be advised to introduce its own system. The president of the MPAA, Jack Valenti, after long negotiations with various distributor and theater owner organizations, eventually developed a system acceptable to all. The ratings system was designed to do away with the old Code and its prohibitive restrictions, and to allow the filmmaker "unprecedented creative freedom, while at the same time maintaining a system of 'self-regulation' that would ease the pressures for some form of government classification."⁴⁶ Under the plan, there were no restrictions in thematic content or

treatment of any film, but the final result would be assigned one of four ratings: G (all ages admitted); M (suggested for mature audiences—adults and young mature people); R (restricted; children under sixteen required an accompanying parent or adult); or X (no one under sixteen admitted). In early 1970, the M rating was changed to GP (all ages admitted; parental guidance suggested), as the M tended to be confusing. At the same time the R and X age limits were upped to seventeen.

With the introduction of the ratings system, the old PCA was replaced by the MPAA Code and Rating Administration (CARA). There are seven permanent members of CARA based in Los Angeles, who examine both scripts and the final films. Despite Valenti's contention that the ratings system was working well, several groups have come out in opposition to CARA. On the one side are filmmakers who are concerned with the "moral labelling" of the creations; on the other stand the groups who are continually concerned with the growing explicitness of violence and sex in the movies. On May 18, 1971, both the National Catholic Office for Motion Pictures and the National Council of Churches' Broadcasting and Film Commission withdrew their support from the MPAA because of "the growing number of films unsuitable for the young, coupled with the clearly unrealistic ratings handed out . . ."⁴⁷ It was specifically the increasing number of films exploiting sex and violence that were given GP ratings which aroused these religious groups. Writing in the Catholic weekly America, Philip C. Rule noted that the MPAA and its ratings were no more equipped to handle the current movie content than the MPPDA had been with the Code. Rule prophesied ominously,

"It all appears to be building up to something: either a change in film fare, a better and more effective rating system or some form of control from outside the industry [censorship]." ⁴⁸

Film Censorship in Britain

As we had seen earlier, opposition to films in Britain began as early as 1896. By 1909, the fledgling industry saw the benefits to be derived from a centralized authority; not only would it remove the difficulty of having to deal with a large number of local authorities, but it would also "kill off" the smaller exhibitors who apparently were responsible for many of the difficulties. The resulting Cinematograph Act of 1909 was intended solely to establish fire precautions. However, local authorities thought otherwise. As Neville Hunnings noted:

As soon as its duty to issue licenses to cinemas came into effect on Jan. 1, 1910, the London County Council took the attitude that applications should be treated in the same way as applications for music hall licenses . . . Other local authorities gradually followed this example, until by August 1910 the rule was fairly widespread throughout the country. ⁴⁸

The industry, now alarmed at the unexpected extension of legal power, decided that the solution lay in the appointment of a trade censor. Although the Home Secretary refused to give active support, pointing out that the statutory powers lay with local authorities, the industry passed a motion in July 1912 that "censorship is necessary and advisable." In November the formation of the British Board of Film Censors was announced, to be under the Presidency of G. A. Redford who had much experience as Examiner of Plays for the Lord

Chamberlain. Redford and his four examiners started work on January 1st, 1913 and he was able to announce that all films released in Britain after 1st March would bear the censor's certificate.

Submission of films to the Board was purely voluntary, and many companies ignored it. A more important weakness, however, remained the complete autonomy of the local authorities.⁵⁰ Guy Phelps in his history of film censorship in Britain indicates that by the end of 1915 only thirty-five councils had adopted clauses stipulating that all films to be shown must have the censor's certificate. The rest, including all the important local councils, retained their full powers. When it became apparent that this dual system was not working, the industry and the local authorities made a renewed plea to the Home Office for the appointment of an official censor. A new Home Secretary was more sympathetic, and accordingly a plan was drawn up; however, a change of government led to the cancellation of the scheme, and a reaffirmation of the powers of the local authorities. As Phelps notes: "Thus narrowly was a development averted which would have changed the whole history of film censorship in this country."⁵¹

It was shortly after this that the Report of the Cinema Commission of Inquiry was published in 1917. "It cleared the film industry of most of the charges then being laid against it and reported favourably on the work of the B.B.F.C. With this support and under a new and vigorous President, T. P. O'Connor (Redford having died in 1916), the Board was able to consolidate its position."⁵² The most important development, however, was the adoption of the influential Middlesex and

London County Councils of the Board's certificate as a requirement for their licenses. "This development finally convinced the trade that the Board was a viable proposition, and that with the full co-operation of members it could be made to work."⁵²

The Board, from the first, had issued two certificates; the "U" Category (Universal) indicated that the film was specially recommended for children's matinee performances, while "A" (Public) implied that the film was more suitable for adults. The L.C.C. however, radically changed this system, stipulating that no "young person" would be admitted unless the film was certified for "public" admission, or accompanied by an adult. The film industry protested vigorously at this restriction, but to no avail, and the L.C.C.'s example was soon followed by other authorities. In 1923, the Home Office suggested to all local authorities that they should adopt the L.C.C. rules, and by the end of 1924 most of them had done so. It was these conditions that formed the basis for film censorship in Britain. "A few local authorities, most notably Manchester, refused to acknowledge it and applied their own rules, but in general it was accepted, and pressures for a radical revision have been rare."⁵⁴

The local authorities continue to play an important role in film censorship in Britain. Not only do they keep a wary eye on film societies, but much of their energy is devoted to operating the classifications of the B.B.F.C., to examining films which had not been examined by the Board or which had been objected to by members of the public, or to consultation with each other and with the Home Office in attempts to obtain

greater control over the activities of the Board itself.

A new Cinematograph Act was introduced in 1952, and so well entrenched was the censorship system by this time that at no point during the parliamentary debates was it seriously suggested that any machinery other than that based on the local councils and the B.B.F.C. was possible or desirable. The new Act did abolish all reference to "safety and inflammability," and substituted "regulation" as the key concept underlying censorship.

In 1950, a Committee of Inquiry (The Wheare Committee) recommended that the Censor Board introduce a new "X" certificate for adults only. This was done in January, 1951. This step was opposed by the three main cinema circuits—Rank's Odeon and Gaumont circuits and the ABC. As the receipts of these circuits depended to a large extent on regular patronage by family audiences, they feared that "X" films would disrupt the attendance pattern and cause a fall in the box office. After some reluctant tests, the circuits proved to be correct, and Rank announced that it would not book any "X" films in the future, while ABC stated that it would book only outstanding "X" films. Eventually the "X" film lost its disastrous reputation, and so too the Board gradually changed its attitudes to reflect the more mature cinema of the 1950's and 1960's.

In the mid-1970's, Britain still has a fairly strict film censorship, and despite the inroads of "private film clubs," the hard-core pornographic material available in the United States has not been allowed into Britain. In the last few years the B.B.F.C. has come under increasing attack, and only last year the Secretary of the Board, Stephen Murphy resigned

after disagreements with the trade. There is, however, no serious threat to abolish film censorship in the near future.

Film Censorship in Ontario

The History of the Board

The Province of Ontario first enacted film censorship legislation in 1911, when on March 24, "The Theatres and Cinematographs Act" was passed. (While Ontario's claim to have enacted the first statute to provide specifically for film censorship is historically correct, both Manitoba and Quebec passed similar, if less tidy, legislation on exactly the same day. Quebec's 1911 "Act respecting exhibitions of moving pictures" had an antecedent in earlier legislation governing "all public exhibitions of monsters, idiots or other imbecile or deformed persons, tending to endanger public safety . . ." which had been enacted in 1887.) The Ontario statute does, however, represent the first major attempt to implement social control of the cinema, and was a direct outcome of the increasing clamour for such legislation by reformist organizations such as the Social and Moral Reform Association. The Premier of Ontario, the Hon. Sir James P. Whitney, noted during the debate on the proposed legislation that these pro-censorship groups were genuine in their expression of fear of the evils inherent in motion pictures and the possible influence on the young. This was a common sentiment at the time, and similar concerns were currently being expressed throughout the United States and Britain. (The State of Pennsylvania enacted censorship legislation in 1911, while the British Board of Film Censors was created in 1913.)

The Ontario 1911 Act was deliberately broad, and gave the Lieutenant-Governor the power to make regulations "for prohibiting films to be exchanged [distributed] or exhibited," and also provided for the creation of a Board of Censors "composed of three persons who shall have the power to permit the exhibition or absolutely to prohibit or reject all films which it is proposed to use . . . and to suspend for cause the licence of any operator [projectionist]." The Act also allowed for an appeal process, and provision was made for films to be stamped by the Board of Censors after they had been approved; and such stamps had to be visible on the screen when the films were shown. There was also an interesting, but unfortunately short-lived clause providing that "no exhibition of such stamped film shall be prohibited by any police officer, or constable or other person, on account of anything contained in such film." This section was abolished in 1914, presumably because local authorities' opinions tended to conflict with the opinions of the Board of Censors based in Toronto. (This is an important problem, which is examined below.)

On June 27, 1911, the first Ontario Censorship Board was formed under the chairmanship of George G. Armstrong, and reported to the Provincial Treasurer. The evaluative criteria provided to the Board, merely noted that "No picture of an immoral or obscene nature or depicting a crime or reproducing a prize fight shall be exhibited." In 1915, the composition of the Board was changed from three to "such number of persons as may be deemed necessary," and additional assistants were added to the one existing inspector. Obviously, the increase in the number of exhibition sites throughout the Province necessitated this move.

By 1919, the increasing demand for women's rights led to newspaper criticism of the Censor Board's reluctance to appoint a female Boardmember on a permanent basis. The result of this outcry was that the Board found itself deluged with applications from women all over Ontario; by the end of the year one woman was appointed as a permanent member. In 1921, when the Board was once again reconstituted under the Chairmanship of Major A. S. Hamilton, two of the five permanent members were women. Undoubtedly this was in recognition not only of the key role that women played as patrons of the movie houses, but was also cognizant of the increasing importance of women's groups in the fight to place the movies under more stringent regulation.

In 1921, Major Hamilton and his fellow censors attempted to articulate the criteria upon which they based their evaluations of the films submitted to them. The resultant pamphlet, Standards of the Ontario Board of Censors of Motion Pictures and its Field of Work, is a fascinating historical document, which clearly illustrates the primary concern of reformers about the supposed "power" of the movies. The "general policy" noted that the Board "realizes the educational and recreational value of Moving Pictures, and will endeavour to save all pictures possible." The problem of regional variations in tastes and values was also recognized in that "it will try to make its judgments from the standpoint of a normal Ontario audience." The pamphlet then detailed a series of situations such as "display of flags, cruelty to animals, firearms, crime and arson, insanity and death, costumes and nudity, sex, advertising and drugs," with suggestions as to

how these should be handled to avoid censorship. The last paragraph, "The Future" noted that "if the above standards are adhered to . . . [then it will] . . . bring the Moving Pictures to a higher level in the Province of Ontario."

These standards were sent to all distributors with instructions to censor films before submission, but this apparently had little effect because the Board still found it necessary to reject 67 films in 1921.

There was very little change in the wording of the Act between 1927 and 1953, when a new "Theatres Act" was entirely re-cast and brought up to date. This new Act extended the power of the Board of Censors, and made provision for the establishment of licensing fees, and the formal approval of building and alteration plans for movie theatres. The Theatres Act was amended in 1963, and again in 1975, when the proliferation of small storefront theatres exhibiting "sex" films (mainly on Toronto's Yonge Street "Strip"), caused the extension of control over all methods of reproducing moving pictures for financial gain or public viewing. Essentially this was aimed at 8 mm. and videotape exhibition, and has had the desired effect by further diluting the "sexploitation" films used to lure customers into these establishments.

The real problem the Board faces in the mid-1970's is the increasing reliance placed by movie-makers on explicit sex and even more explicit, and often gratuitous violence as staple ingredients for attracting patrons. Quite clearly, hard-core, essentially pornographic films of the type found in specialty "art houses" in the United States are not allowed to be publicly exhibited in the province;

exhibitions falling under the obscenity sections of the Criminal Code of Canada. If films of this type are submitted to the Board, they are usually subjected to severe cutting, which, if their narrative continuity is of the usual skimpy quality, leaves very little left for the exhibitor but the provocative title; surprisingly, in most cases this is usually sufficient to attract the required audience. It is interesting to note, that despite the wide availability of hard-core product from the United States and elsewhere, in the year ending March 31st, 1975, only eight films (out of 930 submissions) were not approved for exhibition. (Two of these were 16 mm prints.) Of the 824 feature films (35 mm) submitted, 165 were classified as "general exhibition"; 321 as "Adult Entertainment"; and 332 as "Restricted." In all there were 134 requests for eliminations.

Reflecting the ethnic diversity in Ontario, the Board examined films from 26 countries. The United States, quite obviously, had the largest entry with 290, but Chinese films (mainly from Hong Kong and Taiwan) accounted for 173 submissions. These were followed by Italy with 98, Great Britain with 58, Greece with 54, Germany with 40, France with 28, and Canada with 21. Interestingly, of the 21 Canadian films examined in 1974-75, 3 were approved for general exhibition; 8 for Adult Entertainment; and 10 released as Restricted. One problem is that each of these films must be examined within their own cultural context—how much violence should be allowed in a Chinese martial arts movie that might be shown only in Toronto, or how much sex in a major Hollywood production that will be seen widely

across the Province? This has always been a major problem for censors—how can one centrally located decision-making body take into account a wide diversity of norms and values as those found in Ontario?

ENDNOTES

¹For more information on the role of the movies in moulding international opinion see John E. Harley, World-Wide Influences of the Cinema (Los Angeles: The University of Southern California Press, 1940).

²Denis McQuail, Towards a Sociology of Mass Communication (London: Collier-MacMillan, 1969), pp. 9-10.

³This aspect, and the discussion of media socialization is a condensed version of that found in Garth Jowett, Film: The Democratic Art (Boston: Little, Brown and Company, 1976), pp. 11-15.

⁴Terry Ramsaye, A Million and One Nights (New York: Simon and Schuster, 1926), p. 256.

⁵Neville March Hunnings, Film Censors and the Law (London: George Allen & Unwin Ltd., 1967), p. 37.

⁶For more details on children and movies see Jowett, Film: The Democratic Art, pp. 77-83.

⁷Hunnings, p. 41.

⁸Jane Addams, The Spirit of Youth and City Streets (New York: The MacMillan Company, 1909), pp. 75-76.

⁹Robert Grau, The Theatre of Science, 1914 (Reprinted, New York: Benjamin Blom, 1969), p. 88.

¹⁰William Healy, The Individual Delinquent (Boston: Little, Brown and Company), p. 307.

¹¹Ibid., p. 308.

¹²Donald R. Young, Motion Pictures: A Study in Social Legislation (Philadelphia: Westbrook Publishing Company, 1922), p. 6.

¹³J. S. Woodsworth, My Neighbour (Toronto: University of Toronto Press, reprint edition, 1972), pp. 92-93.

¹⁴National Council of Public Morals, The Cinema: Its Present Position and Future Possibilities (London: Williams and Norgate, 1917), p. xxi.

¹⁵See Jowett, Film: The Democratic Art which suggests that the struggle over motion picture content was largely due to the conflict between national and local interests which took place in many other spheres in the first half of the twentieth century.

¹⁶14 App. Div. 117, 43 N.Y.S. 571 (1st Dept. 1897).

¹⁷New York Times, May 26, 1897.

¹⁸Hunnings, p. 41.

¹⁹Ibid., pp. 41-42.

²⁰Nicholas A. Vardac, Stage to Screen (Cambridge: Harvard University Press, 1949), p. 250.

²¹Lewis Jacobs, The Rise of the American Film (New York: Teacher's College Press, 1939), p. 67.

²²Alexander Walker, Stardom (New York: Stein and Day Publishers, 1970), p. 61.

²³Editorial in Review of Reviews, December, 1908, pp. 744-745.

²⁴Ramsaye, p. 478.

²⁵Ira H. Carmen, Movies, Censorship and the Law (Ann Arbor: University of Michigan Press, 1966), p. 186.

²⁶Ramsaye, pp. 480-481.

²⁷Young, p. 42.

²⁸The role of the Hays Office is discussed in Jowett, pp. 164-184; and in Raymond Moley, The Hays Office (New York: Bobbs-Merrill Company, 1945).

²⁹The Motion Picture Producers of America, Inc., The Motion Picture Production Code: Reasons Supporting the Preamble, 1934.

³⁰The Payne Fund Studies are listed below. All have been reprinted by Arno Press, New York, 1971.

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Shuttleworth, Frank K. and Mark A. May, *The Social Conduct and Attitudes of Movie Fans* (New York: The MacMillan Company, 1933).

³¹236 U.S. 230 (1915).

³²Richard S. Randall, *Censorship of the Movies* (Madison: University of Wisconsin Press, 1968), p. 19.

³³*Ibid.*, p. 19.

³⁴343 U.S. 495 (1952).

³⁵343 U.S. 495 (1952) at 501.

³⁶343 U.S. 495 (1952) at 502-503.

³⁷Randall, p.35.

³⁸*Ibid.*

³⁹New York Times, January 25, 1961, p. 32.

⁴⁰*Ibid.*, January 29, 1961, sec. 4, p. 1.

⁴¹"A Divided Court Rewrites the Definition of Obscenity," Congressional Quarterly, June 23, 1973, p. 1571.

⁴²Boxoffice, July 30, 1973, p. 4.

⁴³New York Times, June 25, 1974, p. 7.

⁴⁴390 U.S. 676 (1968).

⁴⁵390 U.S. 629 (1968).

⁴⁶Stephen Farber, *The Movie Rating Game* (Washington, D.C.: Public Affairs Press, 1972), p. 15.

⁴⁷"Film-Rating Fiasco," America, vol. 124 (May 29, 1971), p. 557.

⁴⁸Philip C. Rule, "Film Ratings: 1934 Revisited," America, vol. 124 (May 29, 1971), p. 571.

⁴⁹Hunnings, p. 48.

⁵⁰Guy Phelps, Film Censorship (London: Victor Gollancz Ltd., 1975), p. 28.

⁵¹Ibid., p. 29.

⁵²Ibid.

⁵³Ibid., pp. 29-30.

⁵⁴Ibid., p. 31.

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